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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY,
INC., ET AL.,

PLAINTIFFS,

-VS-

BRAD RAFFENSPERGER, ET AL.,
DEFENDANT.

DOCKET NO. 121-CV-05337-SCJ

COAKLEY PENDERGRASS,
ET AL.,

PLAINTIFFS,

-VS-

BRAD RAFFENSPERGER, ET AL.,
DEFENDANTS.

DOCKET NO. 1:21-CV-05339-SCJ

ANNIE LOIS GRANT, ET AL.,
INC., ET AL.,

PLAINTIFFS,

-VS-

BRAD RAFFENSPERGER, ET AL.,
DEFENDANTS.

DOCKET NO. 121-CV-00122-SCJ

VOLUME 1
AFTERNOON SESSION

TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS
BEFORE THE HONORABLE STEVE C. JONES,
UNITED STATES DISTRICT JUDGE,
MONDAY, FEBRUARY 7, 2022

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WILLIAM SEXTON COOPER

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1 P R O C E E D I N G S

2 THE COURT: You can call your witness for the State
3 House, Senate, Districts. Is that correct?

4 MS. LAKIN: Correct.

5 THE COURT: Call your witness back up, Mr. Cooper.

6 MR. SAVITZKY: Yes, your Honor. Ari Savitky for the
7 ACLU Alpha Plaintiff.

8 THE COURT: Okay. Name again?

9 MR. SAVITZKY: Ari Savitzky, and we would like to
10 call Mr. Cooper back to the stand.

11 THE COURT: All right. Mr. Cooper. There he is.
12 You are also still under oath, Mr. Cooper.

13 THE WITNESS: Pardon?

14 THE COURT: I remind you, you are still under oath.

15 THE WITNESS: Right.

16 MR. SAVITZKY: All right. Good afternoon.

17 THE COURT: Good afternoon.

18 MR. SAVITZKY: As I said, I'm Ari Savitzky
19 representing the Alpha plaintiffs. And, your Honor, I have
20 handed Mr. Cooper a binder with the exhibits, including
21 declarations and his rebuttal declarations which are admitted
22 as 1 and 2.

23 THE COURT: Okay.

24 MR. SAVITZKY: And they are marked and supplied to
25 defense counsel, counsel for the Grant and Pendergrass

1 plaintiffs those as well.

2 In addition to those materials, we have also passed
3 out to the Court just a copy of the slides of the
4 presentation.

5 THE COURT: Okay. Thank you.

6 DIRECT EXAMINATION (Cont'd)

7 BY MR. SAVITZKY:

8 Q Mr. Cooper --

9 MR. SAVITZKY: And, especially before I begin, your
10 Honor, just for efficiency, I just want to confirm in the
11 record Mr. Cooper's prior testimony is already in the record
12 from his previous testimony.

13 BY MR. SAVITZKY:

14 Q All right. So, Mr. Cooper, good afternoon.

15 A Good afternoon.

16 Q Did you prepare any reports in the Alpha Phi Alpha case?

17 A Yes. I prepared two reports in this case.

18 Q And, are these the reports that we can see on the screen
19 here marked as Alpha's 1 and 2?

20 A Yes, those are the two reports.

21 Q And did you notice any typo or errors in your reports
22 since they were submitted?

23 A I did notice an error in the summary conclusion. I think
24 that may be on the next page or two, further into the
25 declaration of what -- let me look at the declaration.

1 Q You can reference that, Paragraph 11, if that's helpful.

2 A That would be helpful. That paragraph should read -- it's
3 Paragraph 11, the first bulletpoint, it should read the 2021
4 Senate Plan contains 14 majority Black Districts (15 that are
5 BCVAP). In other words, there is another district in the
6 State Senate Plan that's black citizens voting age, but it's
7 not black majority voting age. That's the district down in
8 Chatham County that is 150 percent black VAP but because of
9 apparent non-citizen population in the area, it's over 15
10 percent Black CVAP.

11 Q Mr. Cooper, is the typo just says BVAP and BCVAP instead
12 of just BCVAP?

13 A Yeah. It should not have BVAP in there. It should just
14 be 15 VAP or BCVAP. Probably should be a hyphen there in the
15 word majority.

16 Q And does that affect any of the substance of your
17 conclusions in this case?

18 A No, it does not.

19 Q All right. So, Mr. Cooper, you've discussed your
20 background and methods already and we don't have to go back
21 over that. Just has -- your CV hasn't changed, your CV hasn't
22 changed in the last 90 minutes or so, has it?

23 A No.

24 Q And just very briefly, this is your CV right here attached
25 at Exhibit A to your declaration?

1 A Yes.

2 Q And is this an accurate summary of some of your relevant
3 experience?

4 A Yes. Not all of it is litigation related. In terms of my
5 35 years of experience, a lot of just drawing plans
6 independent of litigation, but I believe that I have drawn
7 statewide legislative plans for litigation purposes in all of
8 the listed states except for Texas.

9 Q And is that an accurate list of instances where you have
10 testified as expert or submitted expert declarations in
11 Federal Court cases in Georgia involving redistricting?

12 A Yes. All -- in all the states, I submitted either
13 declarations or testified in person, except for Texas where I
14 have testified on a Section 2 issue at the local level but not
15 for statewide.

16 MR. SAVITZKY: And, your Honor, especially in light
17 of Mr. Cooper's previous testimony, we move at this point for
18 him to be admitted as an expert in redistricting demographics
19 in the Census state under Rule 702.

20 MR. TYSON: And we have no objection, your Honor.

21 MR. HAMILTON: No objection, your Honor.

22 THE COURT: He's allowed to testify as an expert in
23 that area.

24 MR. SAVITZKY: All right. Thank you.

25 BY MR. SAVITZKY:

1 Q Mr. Cooper, let's start with the big picture. What were
2 you asked to do in the Alpha Phi Alpha case?

3 A Exactly the same thing I was asked to do in the
4 Pendergrass case, and that is to analyze demographics in the
5 State of Georgia and determine whether or not an additional
6 majority Black House District or Senate District could be
7 created above and beyond what you see in the current Adopted
8 2021 House and Senate Plans.

9 Q And what was your overall conclusion about whether more
10 black majority districts could be drawn in the Georgia House
11 and Georgia Senate?

12 A Well, I concluded that additional majority Black districts
13 can be drawn in both chambers. Three more Senate districts,
14 specifically -- at least three more and at least four more
15 House districts for the House.

16 Q All right. Mr. Cooper, before we go any further, we've
17 been using the term majority Black. I think we will use it a
18 lot more in this discussion. What does it mean to you when
19 you say majority Black in the context of this discussion?

20 A Well, as in my previous testimony for the Congressional
21 case, I am focusing on any part Black voting age as it
22 determines whether a district is 50 percent plus one.

23 However, as I think maybe we will get to in a minute
24 or two, there are a couple of districts that I -- in a couple
25 of instances, I have determined that the districts are under

1 50 percent today in historically-elected African American
2 office that were at one time over 50 percent, so at least in
3 one instance of counting that district as being over 50,
4 specifically Senate District 41 in Gwinnett County.

5 Q Okay. Mr. Cooper, just stay with the big picture for a
6 minute. How many majority Black Senate Districts did you
7 count in the 2021 -- State's 2021 Plan?

8 A 14.

9 Q And how many do you have in the illustrative plan that you
10 drew in the Senate?

11 A I have 19.

12 Q And, Mr. Cooper, again big picture, how many majority
13 Black House districts did you count in the State's 2021 Plan?

14 A 49.

15 Q And, Mr. Mr. Cooper, how many did you draw in the
16 Illustrative Plan you created for the House?

17 A 54.

18 Q All right. Mr. Cooper, let's talk about your demographic
19 analysis. And I'm going to pull up -- this is Figure 2 from
20 your declaration, and it's Page 7 of the presentation.

21 Mr. Cooper, can you give a high-level description of
22 the growth of the Black population in Georgia in the last
23 decade?

24 A Yes. It is as I indicated previously --

25 THE COURT: Is it the same thing that you said this

1 morning?

2 THE WITNESS: Exactly what I said this morning.

3 THE COURT: So noted.

4 MR. SAVITZKY: Okay.

5 BY MR. SAVITZKY:

6 Q Well, let me ask you this, Mr. Cooper: Does this graph
7 reflect the growth of the Black population in Georgia over the
8 last decade?

9 A Yes, half million almost increase in the African American
10 population since 2010 and a decrease of almost 52,000 in the
11 non-Hispanic white population. Increase of over a million
12 overall for the non-white population.

13 Q And in your demographic analysis, did you look back at
14 pre-2010 demographic data for Georgia?

15 A Yes. I looked at data going all the way back to the 1990
16 Census. I looked the PL94171 redistricting file complete
17 count data Census for those four decades.

18 Q Okay. I'm referring you now to Figure 5 taken from your
19 declaration. What has happened with the Black population in
20 Georgia since 1990?

21 A Since 1990, there has been doubling of the Black
22 population in Georgia from 1.75 million to today 3.54 million.
23 There is an asterisk that I've got here that indicates that
24 the Census in 1990 did not report the -- any part black
25 population figures as part of the Census. So that's only for

1 single race blacks. So a little bit higher, a little bit.

2 I'm not sure how much.

3 Q And, Mr. Cooper, turning to this chart, does this chart
4 that we're seeing here on Page 10 of the presentation, does
5 that reflect the growth numbers in Figure 5 of your report?

6 A Yes.

7 Q Now let's stay with the 2020 Census for now. As part of
8 your work, did you calculate the ideal population size Senate
9 District and House District in the Georgia General Assembly?

10 A Yes. It's automatically calculated by the Maptitude
11 Redistricting Software, but you can do that manually from the
12 spreadsheet. You just divide the total population by the
13 number of districts and there you get the population.

14 Q And you mentioned that the Black population in Georgia
15 grew by almost half a million people over the last decade.
16 Assuming you could draw a district, just for purposes of sort
17 of benchmarking, assuming you could draw districts that are
18 100 percent Black, how many State Senate districts would that
19 equal?

20 A About two and a half State Senate seats or about 200,000.
21 Not quite 200,000 or so. You could draw two and a half Senate
22 districts, 100 percent Black population within that district,
23 so that's, you know, totally hypothetical.

24 Q And stay with the hypothetical. How many House districts
25 could you draw based on that almost 500,000?

1 A About eight House districts.

2 Q And what, if anything, do those very hypothetical
3 benchmarks tell you about whether it might be possible to draw
4 more black majority districts in the House and Senate in
5 Georgia?

6 A It tells me that it's highly likely that one could draw
7 additional majority Black districts in Georgia, for both the
8 House and the Senate.

9 Q Now, Mr. Cooper, I'd like to talk about the geographic
10 distribution of Georgia's Black population. I'm pulling up --
11 this is Exhibit E of your declaration. What is the exhibit we
12 are looking at? What is this map?

13 A This map is just the percentage Black, any part Black by
14 county in Georgia, according to 2020 Census. The pale colors
15 are counties that are between zero and 20 percent Black. The
16 lighter yellow is 20 to 40. The orange colors are 40 to 60,
17 and then the pink colors are 60 to, I think, 73 percent, is
18 actually -- Clayton County is the highest percentage in the
19 state, I believe.

20 Q Now, Mr. Cooper, in your analysis, did you identify any
21 particular areas in the State where the Black population is
22 particularly numerous or concentrated?

23 A Yes. I identified three areas where that would be true.

24 Q Before you get into those areas, Mr. Cooper, why would you
25 analyze areas where the Black population is especially

1 numerous or concentrated?

2 A Because those would be the areas where one might be able
3 to draw additional majority Black districts.

4 Q Mr. Cooper, you mentioned, I believe, and your report
5 reflects that Metro Atlanta is one of those regions that you
6 looked at.

7 A Yes.

8 Q Let's just zoom in. And is this the area you identified
9 in Metro Atlanta?

10 A The black bold lines is 29 counties MSA, Metro Atlanta.

11 Q And, Mr. Cooper, let's turn to Figure 6 of your report.
12 How, if at all, has the Black population in that Metro Atlanta
13 area changed over the last decade?

14 A Well, in the Metro Atlanta area in all 29 counties, the
15 Black population by percentage has gone from about
16 33.61 percent in 2010 to 35 -- to 35.91 percent in 2020. In
17 other words, a population growth of over 400,000 people.

18 Q 400,000 people. And does this graph that I will show
19 reflect the growth in the Black population over the last
20 decade in Atlanta?

21 A Yes.

22 Q And how about since 1990? How has the Black population
23 grown since 1990 -- how, if at all I should say, has the Black
24 population grown since 1990?

25 A Well, in the Atlanta MSA in 1990, it was just about

1 780,000. It's now 2.1 million. So it's up by a factor of
2 three almost.

3 Q And does this graph that we are looking at reflect the
4 growth of the Black population in Metro Atlanta since 1990?

5 A Yes. And you can see the percentages actually calculated
6 out 180.7 percent.

7 Q And I think you mentioned it already, so I will show you
8 the figure. Does this graph that we are looking at reflect
9 the percentage population Black in Metro Atlanta from 1990 to
10 today?

11 A Yes. Along with a second graph that shows how the white
12 population has declined in Metro Atlanta over the past 30
13 years.

14 Q All right. Let's go back to region -- the Metro Atlanta
15 region. In your report, you referred to a South Metro Atlanta
16 region within the larger MSA. What did you mean by that?

17 A Well, the South Metro Atlanta area that I focused on
18 consist of five counties that have seen a huge increase in the
19 Black population over the past decade as well as going back 30
20 years. Those counties are Fayette, Spalding, Henry, Rockdale
21 and Newton.

22 Q All right. And just turning to Figure 7, does this figure
23 reflect that population change that you were talking about?

24 A Yes. You can see in 1990, there were just a little over
25 39,000 round up, Black persons in those five counties and

1 today, there are nearly 300,295,000 African Americans in those
2 five counties. So the Black population percentage has gone up
3 from 14 percent to almost 37 percent.

4 Q And, Mr. Cooper, does the graph that we are looking at now
5 reflect the growth that you just referred to in the
6 five-county metro area?

7 A Yes.

8 Q And, Mr. Cooper, how does the percentage population Black
9 in that five-county area change over time?

10 A The percentage of the American America population?

11 Q Yeah.

12 A Yeah, I think I just mentioned it's gone up from 14.34
13 percent in 1990 to 46.57 in 2020.

14 Q All right. I'm going to go back to Exhibit E, zoom back
15 out; look at a different region. You described in your report
16 an area the -- referred to as the Black Belt. What do you
17 mean by that?

18 A Well, the Black Belt is an area that has historical
19 significance. Those counties that are in Central and South
20 Georgia where there was a significant enslaved population
21 going back to pre-Civil War days, and those counties still
22 have a connection to that past. They tend to be, oftentimes,
23 counties that are poor, and certainly the Black population is
24 still the highest percentage in most of those counties, not
25 all of them, and it stretches really from Augusta all the way

1 to the southwest corner of the state, and it's all part of the
2 larger Black Belt of the U.S. that goes from the Eastern shore
3 of Virginia and Maryland into South Texas. So this is just a
4 Georgia Black Belt. A couple of weeks ago, I talked about the
5 Alabama Black Belt, which is kind of stretching from around
6 Columbus on the Alabama side down to Mobile.

7 Q In your report, you mentioned some regions within the
8 Black Belt. Eastern, Western. I'm going to zoom in on the
9 one you identified as being the eastern end of the Black Belt.
10 How did you go about identifying these particular counties
11 here?

12 A Well, this particular area that is identified in red is
13 part of the Augusta area Black Belt region, and the red is an
14 identified region by the State of Georgia. In the map, you
15 see an Exhibit F, I think it is, showing regional Commissions
16 in Georgia. There are ten, I think, statewide, one of which I
17 think I mentioned in the previous testimony, that shows that
18 the Atlanta Regional Commission but there are regional
19 commissions everywhere. This one is the Central Savannah
20 Rivera area.

21 Q And I'm going to refer now to Figure 8 in your report and
22 this is Page 24 in the presentation.

23 How, if at all, has the population in this eastern
24 Black Belt area that you have identified changed over the
25 course of the last decades?

1 A It has actually increased. In 1990 it was only about
2 149,000, and by 2020, it was nearly 178,000.

3 Q And does this chart that we are looking at here reflect
4 that growth that you discussed?

5 A Yes. The white population has declined sharply from
6 174,000 to 124,000. And, so even though overall the total
7 population in that area has remained relatively constantly
8 over the 30-year period, that is strictly because of the
9 growth in the black population.

10 Q And does the chart that we are looking at now reflect the
11 changes in the percentage Black population that you were just
12 referring to?

13 A Yes. In 1990 the districts -- the counties in the Eastern
14 Black Belt were 52.52 percent white. By 2020 the white
15 population declined percentage terms to 38.17 and the Black
16 population was not a majority in 1990 but Black 2000 --
17 razor-thin majority, and now it is 54.62 percent Blacks. So
18 there has been a complete shift in the underlying demographics
19 in that area in the past 30 years.

20 Q Let's look now back at Exhibit E and zooming in on that
21 third region you mentioned, what you refer to, I believe, as
22 the western end of the Black Belt. How did you identify this
23 particular set of counties that we are looking at?

24 A Well, it's part of the historic Black Belt and you can see
25 that on various maps that were presented. It's not

1 necessarily my testimony but another person's testimony at
2 this trial. But I also looked at the regional commercial map
3 in Georgia and saw that that general area that I have outlined
4 is partly in Southwest Georgia Commission and partly in the
5 River Valley Commission that extends up to Columbus.

6 But, the green outline you see here is actually a
7 Senate district that is adopted by the State for the 2021
8 Senate Plan. That's Senate District 12, and it is the
9 majority Black voting age population. And it was clear to me
10 once I saw that, given that there were only two majority Black
11 House Senates in that part of the state, that it's very likely
12 that I would be able to create a third district down there.

13 Q Just for the record, why was it clear to you that you
14 could draw a third majority Black district in the area of that
15 majority Black Senate district?

16 A Well, because a Senate district is roughly three times the
17 population size of a House district. So it's like -- I was
18 speaking about that Congressional Plan. You just find an area
19 where probably you can get additional districts.

20 Q Okay. And just looking at Figure 9 briefly in your
21 report, how has the population, the Black population
22 particularly in this region you have identified in the western
23 Black Belt changed over the last decades?

24 A Well, in 1990, the Black population was not quite
25 15 percent of that area, and today, it is 60.59 percent. It's

1 also grown. It was 102,000, 103,000 in 1990, and now it's
2 115,000, almost 116,000. And, meanwhile, the white population
3 has, again, declined as shown on the graph in the white
4 population.

5 Q And looking at the next one, does this graph illustrate
6 the increasing percentage Black, the population in that area?

7 A Yes. Yes. There's a big shift there.

8 Q So backing up for a second, Mr. Cooper, what, if anything,
9 does the size and concentration of the Black populations in
10 these regions that we just looked at tell you about the
11 potential to draw additional majority Black Senate and House
12 districts in Georgia?

13 A Well, it certainly suggests that one might be able to draw
14 a majority Black district in Southwest Georgia identified and
15 highly probably because the State has already drawn the Senate
16 district that is essentially three House districts.

17 In Augusta also, given the increase in the Black
18 population percentage and a rising population of that, too,
19 indicated maybe another district could be drawn in and around
20 Augusta.

21 And, of course, in South Metro Atlanta, you know, the
22 chart is off the top really because it's been such tremendous
23 growth there. You know, counties like Fayette County was
24 5 percent Black in 1990. Henry County, I was mentioning in
25 the other testimony, was 9 percent Black. Henry County is now

1 majority Black. So that area has just undergone tremendous
2 demographic change over the past 30 years and probably more so
3 from the perspective of the racial demographics of Metro
4 Atlanta than any other part of Atlanta -- MSA.

5 Q Thanks, Mr. Cooper.

6 Let's turn now to some of the maps drawn by the
7 State, what we are calling 2021 maps. Did you examine the
8 2021 Senate and House Plans that the State drew?

9 A I have.

10 Q And did you examine the prior plans that were in place
11 before the 2021 plans?

12 A Yes. Because in developing of the illustrative plan, I
13 actually started with the 2015 Senate Plan, the 2014 House
14 Plan because the 2021 Plan had not been adopted yet. So my
15 starting point was the 2015 Senate and 2014 House Plans and
16 then I proceeded to try to reduce the deviation and determine
17 for the districts that were malfortunate which there were many
18 and then determine whether the majority Black districts could
19 be drawn.

20 Q And I want to turn back to that, but first, did you
21 examine any of the plans that were in existence before the
22 2014 Benchmark Senate Plan and the 2015 Benchmark House Plan?

23 A Yes. I've looked at the plans that were in place earlier
24 in the decade and for the, I think, 2012 Plan that was adopted
25 for the Senate. Am I right about that? 2012 Plan for the

1 Senate as well as plans that were developed at the end -- in
2 the middle of 2000 based on the 2000 Census. Those were the
3 2006 plans that I think covered the Congress, House, and
4 Senate. The last complete redrawing in 2016 by the
5 legislature.

6 Q Mr. Cooper, let's look at the Senate first, and I'm going
7 to pull up for reference Figure 10 from your report. And we
8 are looking at Page 25 of your report in case you are
9 following along with paper, to make sure.

10 How many Black majority districts did you count in
11 the 2014 Benchmark Plan, the 2014 -- the preexisting 2014
12 Senate Plan?

13 A Based on the 2020 Census, 14.

14 Q And just briefly, how did you get that number 14?

15 A That's the number of districts that are Black voting age
16 majority.

17 Q Are all of the 14 districts just over 50 percent?

18 A Well, one is just under 50 percent. That would be Senate
19 District 41, I think, that is barely under 50 percent,
20 according to 2020 Census, but was over 50 percent in the 2010
21 Census, if I'm not mistaken.

22 Q To your understanding, it was drawn as a Black majority
23 district?

24 A Right.

25 Q And what is it using 2020 Census numbers?

1 A It's just under 50 percent. Like 49 percent, I think.

2 Let me look at the table. Maybe that would help.

3 Q Please. It's Page 25 of your report, if that's an easier
4 way to get that exact number for the record.

5 A Page 25.

6 Q Yes. Footnote 17.

7 A Yes, there is the figure. 49.76 percent in the 2020
8 Census.

9 Q Okay. And, Mr. Cooper, how many Black majority districts
10 did you count in the 2021 Senate, State Senate?

11 A 14.

12 Q In your estimation, does the 2021 Senate Plan reflect the
13 population growth patterns that we saw in the 2020 Census that
14 were just discussed?

15 A Certainly not at first glance. There's virtually been no
16 change in the number of Senate and House districts since the
17 2006 Plan that would have been drawn under the 2000 Census and
18 so since that time -- not looking at the chart -- but the
19 population growth of African Americans in Metro Atlanta and
20 statewide is well over a million. So, it's kind of impossible
21 to understand why they're not more majority Black House and
22 Senate districts in the state, given all of the growth that
23 has been happening over the past 30 years, but especially over
24 the past 20. Because there were some additional districts
25 created in the '90's.

1 Q And just looking now, focusing on Metro Atlanta, how has
2 the number of majority Senate districts in the metro Atlanta
3 area changed?

4 A Ten, ten, ten. No change.

5 Q Well, maybe -- I mean I know you may have answered this,
6 but does that reflect the demographic change that we see in
7 the Metro Atlanta area?

8 A No, not at all.

9 Q Let's look at Figure 11 in your report. What is this
10 chart that you created comparing?

11 A This chart looks at the percentage of the Black voting age
12 population living in the majority Black districts in Georgia
13 from the 1990s to the present, 2021 Plan, and you can see that
14 in 1990, less than half, 43.5 percent of the Black voting age
15 population lived a majority Black district.

16 If you go forward in time to the 2010 Census, which
17 was basically the closest Census to the 2006 Plan, over half
18 53.84 percent of the Black voting age population lived in a
19 majority Black district. So there was a pick up there as you
20 can also see reflected in Figure 10.

21 But since then, in the 2014 Plan, under the 2020
22 Census, just 52.29 percent of the Black population is in a
23 majority Black district voting age, and it's still about the
24 same under the 2021 Plan 2020 Census. By contrast, you can
25 see on the right-hand side that the non-Hispanic white

1 population, 90 percent of the non-Hispanic white population
2 lived in majority white districts under the 1990 Plan and over
3 time it's dropped a little. It's dropped 10 percentage points
4 but still even today in 2021, 80 percent of the white
5 population lives in a majority white voting age population
6 district. It's a 30 percentage-point gap compared to the
7 Black population.

8 Q And does this chart that we are looking at here reflect
9 the gap you just mentioned?

10 A Yes.

11 Q Mr. Cooper, can you explain the significance of this
12 30-point disparity between the percentage of Black voters
13 living in Black majority districts and the percentage of
14 whites living in white majority districts?

15 A Well, it just suggests that the 2021 Plan specifically is
16 fragmenting Black voting strengths by cracking and putting
17 significant African American populations in districts that are
18 non-majority Black.

19 Q And what, if anything, does it suggest about the number of
20 Black majority districts in the 2021 Plan?

21 A It suggests in concert with the other demographic tables
22 we have looked, that additional majority Black Districts can
23 be drawn.

24 Q All right. Now, let look at your analysis on the House
25 and bring up Figure 23 from your report. And it's Page 34 of

1 the presentation in case anyone is following there. How many
2 Black majority districts did you identify in that 2015
3 Benchmark Plan?

4 A In the 2015 Benchmark Plan, there are 48. I'm sorry 47
5 majority Black voting age districts.

6 Q And just -- how many were there in 2012 Plan?

7 A There were 48.

8 Q And what about in 2021 Plan?

9 A 49.

10 Q Mr. Cooper, in your view is an increase of two Black
11 majority districts in the State House consist with the
12 demographic change in the State of Georgia in the last decade?

13 A No, not at all.

14 Q And just looking now at the Metro Atlanta column that we
15 have here, is an increase of two Black majority House
16 districts in the Metro Atlanta area consist with the
17 demographic change that we have seen there in the last decade?

18 A Not at all. The population in Metro Atlanta has increased
19 by 500,000; African Americans almost, 400,000 excuse me, since
20 2010. That's seven districts. Almost seven districts.

21 Q Mr. Cooper, let's turn to Figure 24 of your report. Is
22 this the same sort of analysis we saw you do on the Senate
23 side?

24 A Yes. And the pattern is the same.

25 Q And just looking at 2021, does this graph here reflect the

1 difference under the 2021 Plan between Black voters and white
2 voters that you mentioned earlier?

3 A Yes. White voters are 76.16 percent of the non-Hispanic
4 white voting age population in majority white voting age
5 districts and only about half of the Black voting population
6 in majority Black voting districts.

7 Q Similar question as before, what is the significance of
8 this disparity for the house?

9 A Again, it's suggestive of cracking of the Black
10 population. Putting significant Black populations in majority
11 white districts where another majority Black district could be
12 drawn.

13 Q And, Mr. Cooper, if you want to decrease this disparity,
14 what's a way you can go about doing it?

15 A Well, it would, it would -- the gap would begin to close
16 as more majority Black districts are created. So, that's the
17 way to see a graph, a chart and a table where the two columns
18 add up to something closer to one another.

19 Q Mr. Cooper, let's turn to some of the districts that you
20 drew in your Illustrative Plan. I'm pulling up a chart here.
21 It's on Page 37 of the presentation.

22 You mentioned traditional districting principles
23 before. Does this chart reflect the traditional districting
24 principles that you discussed earlier?

25 A Yes. I think that encapsulates all that I mentioned in my

1 prior testimony.

2 Q Okay. And could you just for the record, would you mind
3 recapitulating what they are? If it's already in, that's
4 fine, but just for the sake of order recapitulating, would you
5 mind telling us what they are?

6 A Well, it's population equality. Now because we are
7 looking at the State, House, and Senate, there's no
8 requirement that you have zero deviation for State, House, and
9 Senate. In fact, I don't even think the State of Georgia has
10 an exact requirement as to how much the deviation needs to be
11 to comply with their guidelines and/or general statement. But
12 the 2021 Plan for the Senate has a plus or minus 1 percent
13 deviation, and the 2021 House Plan has a 1.5 percent
14 deviation. So you can go plus or minus 1.5 in the House and
15 plus or minus 1 in the Senate.

16 And that sounds like a wide range compared to the
17 Congressional Plans, but it's a very stringent requirement. A
18 lot of states go plus or minus 5 with good reason, actually,
19 because it means that you don't have to split as many
20 counties. You don't have to split as many towns. You don't
21 have to split as many precincts. But the State of Georgia has
22 made a decision to have a very stringent plus or minus 1
23 percent deviation requirement for the Senate. 1.5 for the
24 House, so that's what we have to follow.

25 Q And, Mr. Cooper, just briefly, did you consider population

1 equality when you were drawing your Illustrative Plans here?

2 A Yes. I just followed the lead of the State and drew
3 districts that were plus or minus 1 percent Senate and plus or
4 1.5 percent House. I do think there are a couple of Senate
5 districts that might be slightly over 1 percent but it's
6 dominiums and wouldn't really matter. It's a, you know, small
7 amount.

8 Q Did you consider continuity and compactness when you were
9 drawing your Illustrative Plan?

10 A Yes. I have -- I use the same software, Maptitude for
11 redistricting which will immediately tell me what part of the
12 district is not contiguous and I can also get the compactness
13 as I'll drawing the Plan so I did.

14 Q And did you -- when you ran this report, how did your
15 Illustrative Plan, how did they compare with compactness?
16 Were they -- how would you view their --

17 A Well, the average score for my plans, I think there was a
18 table in my declaration, is in line with the State's Plan.
19 It's nothing out of the ordinary for a State Legislative Plan,
20 that, of course, that you see in the illustrative plan.

21 Q And, did you consider -- well, let me ask you, is
22 communities of interest or respect of the communities of
23 interest another redistricting principle?

24 A Yes, it is.

25 Q Did you consider respecting communities of interest when

1 you drew the illustrative plan?

2 A Yes. Looked at, as I mentioned, maps prepared by the
3 State showing where the Regional Commission areas are. I
4 looked at the Senate Bureau Map showing where there are
5 metropolitan areas, where there are micropolitan areas.

6 I am familiar, of course, with county boundaries and
7 town boundaries. So where possible, I try to follow those,
8 and I tried to draw plans using whole precincts to the extent
9 that I could, but you are forced to split precincts in the
10 House and Senate Plan just to get plus or minus 1 percent, and
11 it's really to an even greater degree in the Congressional
12 Plan because there's so many districts, and it's just
13 extremely difficult to avoid splitting precincts in one
14 district anywhere in the State.

15 Q And just staying with communities of interest for a
16 moment, is the Black Belt a community of interest?

17 A The Black Belt is, in my opinion a community of interest.
18 I have given more testimony on that, but the historical record
19 is clear. Countless books have been written. I've relied on
20 a map that was prepared by the Georgia Budget and Policy
21 Institute in a 2019 publication looking at the Black Belt of
22 Georgia which the GPPI document identifies as school districts
23 in Georgia that are over 30 percent Black in terms of the
24 student body representation and over 30 percent poverty of
25 those students. So, I have a map in my declaration that's

1 basically a reprint of the analysis that GPPI did county by
2 county. It's actually school districts but for most of
3 Georgia whether counties here or whether a city school was not
4 an exact match to the county map I did earlier showing the
5 regions counties by race, but the Black Belt is very clear
6 from Augusta to Southwest Georgia, it's almost uninterrupted
7 in terms of the counties that GPPI considers to be contrary
8 Black Belt Georgia.

9 Q Mr. Cooper, I see non dilution on this list. What does
10 non dilution mean?

11 A Well, it's just simply one should attempt to draw
12 districts that are cognizant of race to a certain extent, just
13 to make sure that you are not cracking or fragmenting majority
14 population based on race or ethnicity.

15 Q So do you consider -- did you consider race in drawing
16 your illustrative plan?

17 A I was aware of race as traditional redistricting
18 principles suggest one should be. I mean, it's Voting Rights
19 Acts. It's Federal law. It's equivalent to one person one
20 vote in terms of having to comply with that part of the
21 traditional redistricting principles, in my opinion.

22 Q And when you said about drawing this plan in Illustrative
23 Plans, did you set any minimum or maximum number of Black
24 majority districts that you were going to draw?

25 A No. No. I just worked with the 2015 House Plan and the

1 2014 Senate Plan and corrected the deviation problems and in
2 the process also considered the potential for additional Black
3 majority districts.

4 Q Just a couple more of these principles to discuss.

5 You mentioned splitting respective political
6 boundaries. It says here counties. How did you get to that,
7 political boundaries?

8 A Well, I tried to keep counties whole. You have to split
9 them for State and House quite a bit, just due to racial
10 issues. And the same with the Senate. So I tried to preserve
11 county boundaries where I could, and where I couldn't, then I
12 took into account city municipal boundaries and also worked
13 the precincts. So, even though as I have indicated, precincts
14 are femoral and don't last very long necessarily, but in some
15 counties they last a long time. So I tried to draw using the
16 whole precincts as much as I could.

17 Q Okay. And let's look a little closer at that.

18 MR. SAVITZKY: Mr. Barco, I may ask you to pop us out
19 of the dec and into Alpha-1, Page 42. And look at the Figure
20 22 down there. Zoom in on that Page 22 of your report.

21 BY MR. SAVITZKY:

22 Q How does your plan Illustrative Senate Plan, 2021 Senate
23 Plan, how did it character to county splits?

24 A Well --

25 Q And if you need a minute to go to that page in your

1 report, please do so.

2 A The VTD and county split in the illustrative plan are not
3 that different from the 2021 Senate Plan. The illustrative
4 plan splits four more counties. But by the same token, in
5 terms of actual splits, the unique county district splits that
6 we talked about previously and the other testimony, the
7 illustrative plan splits just 59. It creates 59 splits where
8 the 2021 Plan creates 63 splits. So on unique counting
9 district combinations, the illustrative plan is slightly
10 superior. And on county splits, the Illustrative Senate Plan
11 is a little below the 29 splits that the 2021 Plan achieves.
12 Four splits more.

13 Q And just for referencing in terms of difference of four
14 counties, how many counties are there in Georgia?

15 A 189 I'm sorry 159.

16 THE COURT: If we have 30 more, we are in trouble.

17 MR. SAVITZKY: We could ask for judicial notice.

18 THE COURT: I will take judicial notice of that.

19 BY MR. SAVITZKY:

20 Q And just looking at the House side and let's pull up Alpha
21 1, Page 62 now and look at the similar graph there. Figure 37
22 look at. The same thing county VTD, you are looking at county
23 splits and kind of just a combination -- how the Illustrative
24 House Plan in the 2021 House Plan compare on that metric.

25 A The Illustrative House Plan has 74 split counties and the

1 2021 House Plan has 70.

2 Q And --

3 A So, the Illustrative House Plan splits four more counties.

4 Q What about the unique splits?

5 A On the unique splits, once again, there's a difference in
6 favor of the Illustrative House Plan. There are 206 splits
7 because some of the larger counties had many different pieces
8 of districts. And in the 2021 House Plan, there are 211, so
9 five more, five more unique district combinations in the 2021
10 House Plan than in the Illustrative House Plan.

11 Q And we can go back to the Powerpoint presentation. Zoom
12 out of this. And just very briefly, Mr. Cooper, you mentioned
13 incumbent, you know, parodies, protection. Did you consider
14 where incumbents live when you were drawing the illustrative
15 plan as well?

16 A I did. I got a file from the Plaintiff's lawyers that I
17 believe came from the district data hub, open source website
18 that will provide apparently as they described in the website,
19 incumbent address information, but I think it's only available
20 to non-partisan organization. I don't think an individual can
21 get that data because it's somewhat sensitive, so I got the
22 data from you guys.

23 Unfortunately, it seems that there maybe some
24 discrepancy in that data that was created by the redistricting
25 data hub in March of 2021, I believe, so some of the addresses

1 may not have been up to date. And so very late in the course
2 of this litigation, I received a file of incumbent addresses
3 that the State of Georgia had prepared for their redistricting
4 work, and there were a few discrepancies. So ultimately, I
5 did another illustrative plan just to show that I could
6 sharply reduce the number of the incumbent pairs that is the
7 State has identified that I did not realize was a completely
8 incumbent conflict.

9 Q And were you able to sharply reduce the number of
10 incumbents after you got that State data?

11 A Yes. Yes. With very little change to the majority Black
12 districts and very little changes to any of the districts
13 but --

14 Q Same number of majority Black districts?

15 A Same number. Same number.

16 Q And, Mr. Cooper, how long did it take you to make those
17 changes?

18 A I think that took maybe three or four hours, just because
19 I was -- I was simply -- oftentimes the reissuing data the
20 address I couldn't find. It wasn't necessarily that far off
21 the mark, but in a place like Dekalb County where the
22 districts are, you know, very, very small being wrong by one
23 ZIP code can put you in the wrong district. So I fixed, I
24 fixed many of them, but not all of them. I think I have an
25 assessment of how many incumbents were paired in my

1 supplemental declaration based on the official State files.

2 Q And just a couple more questions about your process before
3 we look at some maps. Did any of the traditional criteria,
4 the traditional redistricting principles you mentioned
5 predominate over any of the others in your process?

6 A No. I tried to balance them all. I was aware of them all
7 and I tried to achieve plans that were fair and balanced.

8 Q And in drawing your map, what did you sort of use as a
9 baseline to get started?

10 A Well, in drawing which map?

11 Q In drawing your Illustrative Plan. What did you use as --

12 A Well, baseline for the House Plan was the 2014 Benchmark
13 Plan that was the final plan adopted for the State, House that
14 made for the decade based on the 2010 Census. I actually have
15 some tables in here that show the deviation from the actual
16 district size in those districts. And so many, many of the
17 districts have to change just due to the big population in
18 Georgia over that time and that was my base map, the 2015
19 Plan.

20 Q Just to be --

21 A 2014 --

22 Q The 2014/2015 Benchmarks were the baseline?

23 A Yes, right. Yeah, for the Senate was 2014.

24 Q Okay. And were you trying to make -- were you trying --
25 strike that. Were you trying to draw districts that were

1 similar to the districts in the 2021 Plan?

2 A No. No. I became aware of those districts after I was
3 well into this project in the latter part of November, but I
4 did not try to completely change the plan to match up with the
5 2021 Plan. Basically just an illustrative plan and I would
6 anticipate taking another crack at it, focusing more on the
7 2021 Plan in the future, if there should be some sort of an
8 opportunity. This was just to show really where Black
9 majority districts could be created while at the same time
10 creating the rest of the map such that it would comply with
11 one person one vote and these other factors.

12 Q All right. Mr. Cooper, let's look at some of the
13 districts that you drew, starting with the Senate Plan
14 starting with Metro Atlanta. We are pulling up -- this is
15 Page 38 of the presentation and Exhibits P 1 and P 2 from your
16 declaration. Can you describe what we are looking at here?

17 A Yes. This is the -- where the south metro area and we
18 where looking at a new Senate district, an additional Senate
19 district that can be created in South Metro Atlanta,
20 specifically in Spalding and Fayette Counties with a little
21 bit in Henry County.

22 Q All right. And on the right side, what's the district
23 there?

24 A In the right side, we are looking at the existing 2021
25 Plan in District 16.

1 Q And --

2 A District 16, includes all of Fayette, all of Spalding,
3 Pike, and Lamar, and by including those four counties, taken
4 together, the underlying Black population is just
5 22.7 percent. So a significant amount of the Black population
6 in Fayette and Spalding Counties has been submerged into
7 District 16.

8 Q And just for the record, does District 16 in the 2021 Plan
9 include all of Fayette County?

10 A No.

11 Q Demographically, what --

12 A I'm sorry. District 16?

13 Q 16. Yes.

14 A Yes. 2021 -- I believe it does except for a small portion
15 in the northeast part of Senate District 34 in Clayton County.

16 Q So, Mr. Cooper, demographically, what's been happening
17 with the Black population in Fayette and Spalding Counties
18 over the last decade?

19 A It's been going up. In Fayette County, I believe the
20 Black population was close to 20 percent under the 2010 Census
21 and it's now 25 percent. In Spalding County, it's now about
22 33 percent, I believe. I don't have the number in front of me
23 to give you a comparison.

24 Q And, Mr. Cooper, under the Illustrative Map that you drew
25 under District 28 here on the left, which areas, if any, would

1 be newly included in Black majority district that would not be
2 in the 2021 Plan?

3 A Well, all of Spalding County and much of Fayette County.

4 Q And I'm just highlighting a couple of those areas here on
5 Page 40 of the presentation. Does this highlighting reflect
6 those areas that you identified in the newly included Black
7 majority district?

8 A Yes. And I assume, I will point out District 28 does not
9 include all of the Spalding County, but a significant portion
10 of it.

11 Q Mr. Cooper, have you been an expert -- served as an expert
12 in a case involving Fayette County?

13 A Yes. As I mentioned in previous testimony, I was involved
14 in the 2014 era, 2013, 2015 era redistricting case under
15 Section 2 in Fayette County where the county -- ultimately a
16 jury under a consent decree plan to a new majority Black or
17 nearly majority Black, high 40 Black commission district where
18 African Americans elected the candidate of choice.

19 Q And having drawn maps and done analysis in Fayette County
20 before, do you have a sense of whether Fayette shares
21 similarities or dissimilarities with any of the other
22 surrounding counties we have been talking about?

23 A Yes. Fayette is much more suburban, exurban than the
24 counties that are in District 16, Pike and Lamar or rural and
25 predominantly white.

1 Q All right. Let's look at district -- moving onto Page 41
2 here. I'm pulling up Q 1, Q 2, exhibits from your
3 declaration. Can you describe what we are looking at now?

4 Can you describe the districts we are looking at now?

5 A Well, this is District 17, another additional majority
6 Black district that is anchored in Henry County and also
7 extends to Rockdale and little of Dekalb County. A new
8 district with a 62.5 percent Black Voting Age Population.

9 Q And what about on the right side? What district are we
10 look at there?

11 A Well, that is the Senate District 17 in the same general
12 area, including parts of Henry, Newton, and Morgan Counties,
13 and it is just 32 percent Black.

14 Q Now, Mr. Cooper, I'm going to highlight Henry County here
15 for a minute so you can focus on it. Demographically, what
16 has been happening in Henry County over the last decade?

17 A The Black population has been increasing significantly.
18 Henry County is now majority Black, if I'm not mistaken.

19 Q And going back to the previous image to compare those two,
20 what happens to Henry County under the 2021 Plan that the
21 State drew?

22 A A large part of Henry County is placed in District 17
23 under the 2021 Plan. It's only 32 percent Black.

24 Q How is it that a Black population has grown in Henry
25 County that it's in a district that has such a low Black

1 voting issue?

2 A Well, that's a good question. I'm baffled by that, too.
3 this does reflect cracking of the Black population where
4 essentially merged into an area that is predominantly white.
5 And in doing, avoids the chance to create a majority Black
6 district, in which I do the Illustrative in the District 17.

7 Q And, so in the Illustrative District 17, which parts, if
8 any, of Henry County would be newly included in a Black
9 majority district that would be left out in the 2021 Senate
10 Plan?

11 A Well, southern Henry County for one, around McDonough
12 would not be in the majority Black district. it would be in
13 District 17 that is majority white.

14 Q Does this highlighting here reflect the area you
15 identified as being --

16 A Yes.

17 Q -- newly included in a Black majority district under your
18 plan?

19 A Yes.

20 Q Have you drawn maps in Henry County before?

21 A I did draw some House districts as part of litigation in
22 the late -- 2017, 2018 period for the -- I forget the caption
23 of the case but that was one that we have talked about
24 previously.

25 Q And having drawn maps in Henry County before, do you have

1 a sense of whether Henry County shares similarities or
2 dissimilarities with some of these other surrounding counties
3 we have been talking?

4 A Yeah. Well, Henry County is part of core Atlanta and has
5 a suburban population. So it's really more closely aligned
6 with core Atlanta than it would be with the outreaches of the
7 Atlanta MSA, for example, and that would be counties like
8 Butts and Jasper that are actually outside of the Jasper --
9 Jasper Butts in the 29 county MSA but not part of the core
10 Atlanta.

11 Q And, you mentioned, I believe, Newton County when you were
12 talking about that five-county area. Kind of highlight Newton
13 County and demographically what's been happening in Newton
14 County over the last decade.

15 A Population has been growing, at least the African American
16 population is growing significantly in Newton County.

17 Q And is there any difference in the way that the
18 illustrative plan, the 2021 Plan treated Newton County?

19 A Yes, it puts almost all of Newton County in Senate
20 District 43, that illustrative plan. Whereas the 2021 Plan
21 puts a part of it in what would be District 43 in the
22 illustrative plan, but a big chunk of Newton County goes into
23 Senate District 17, which is 32 percent Black.

24 Q You mentioned there was another Senate District in the
25 area you identified as the eastern Black Belt. I'm going to

1 pull up Exhibits R 1, R 2 from your declaration. And can you
2 tell me what -- what are the districts we are looking at now?

3 A Okay. This zooms in on the eastern Black Belt. You can
4 see Augusta, Richmond right in the part of that map and then
5 Macon is visible and the lower corner.

6 The State has created Senate districts between
7 Augusta and Macon and Bibb County, then Richmond County and
8 only Richmond County. The State has created Senate District
9 22. This is 56.5 percent Black. And then in the remainder of
10 the Black Belt extended into Bibb County. The State has
11 created Senate District 26. That is 57 percent Black.

12 And the illustrative plan creates a third district in
13 that same general area, District 23, that is 50.5 percent
14 Black, whereas the State's plan in that same general area is
15 only 32.5 percent.

16 Q The illustrative plan that you drew, which counties or
17 areas in this region would be newly included in any Black
18 majority district?

19 A Well, you can see that in the right-hand pane where
20 Toliver County which is majority Black would be in District 23
21 under the illustrative plan and Jefferson and Burke and
22 Jenkins that are also in majority white District 23 would be
23 in the majority Black Senate district 23 under District 23.

24 Q And let me ask you also about Baldwin County. Just moving
25 over the Baldwin here highlighting. Is there any difference

1 in the way the illustrative plan and the 2021 Plan treat
2 Baldwin County?

3 A Yes. In the illustrative plan, Baldwin County is placed
4 in Senate District 23. In the illustrative plan, it is not --
5 I'm sorry -- in the illustrative plan, it's -- in the
6 Illustrative Plan, it is created -- it is in District 23, in
7 the new District 23 majority Black. In the 2021 Plan, it is
8 not in a majority Black district.

9 Q Mr. Cooper, I just want to talk about one more Senate
10 district. Let me ask you this, first: Did you listen to
11 Defense Counsel's opening statement today?

12 A I did.

13 MR. SAVITZKY: Mr. Barco, can I ask you to pull up
14 Alpha's 2: I think it's Page 45.

15 BY MR. SAVITZKY:

16 Q Here we go. Mr. Cooper, what district are we looking at
17 here?

18 A well, this is taken from, I believe, a run on all seven
19 districts in the State under the illustrative plan 2; is that
20 correct?

21 Q That's right.

22 A Yeah. So, it shows, for example, part of District 23, all
23 of District 26. Both of these are in the majority Black of
24 the illustrative plan, and part of Senate 12, which is also in
25 the majority Black. And then you can see that District 18 is

1 a white majority district that's sort of in between the
2 majority Black districts on this map.

3 Q Mr. Cooper, are there any reasons others that race that
4 District 18 is configured in this particular way in your plan?

5 A I drew that district trying to work with whole counties
6 really, except for a split in Sumpter and in Bibb County.

7 In retrospect, I do believe that that particular
8 district can be made more compact looking. Worth County could
9 be shifted into another Senate District so that it's not as
10 elongated and Monroe County can be shifted out of Senate
11 District 18 into another district and Upson County could be
12 added into Senate District 18.

13 I actually checked that with my redistricting
14 software a couple of days ago because I think the
15 Plaintiffs -- the Defendants are going to complain about that.
16 I think they sort of have a valid argument that you don't need
17 to have a district that long, so --

18 THE COURT: That's pretty long.

19 THE WITNESS: Yeah, you're right, and I apologize.
20 It does, however, follow county boundaries so it's not hard to
21 figure out. It's a little low on the compact. The next
22 version I do, if I had that opportunity, will fix that
23 problem. It's not a majority Black district, so it's one that
24 I should have paid more attention to there.

25 BY MR. SAVITZKY:

1 Q Mr. Cooper, let's turn to the House side and let me pull
2 that back up. I'm pulling up Exhibits A B 1, A B 2 from your
3 report. And we are on Page 53 of the presentation. What are
4 these districts we are looking at?

5 A We are looking at House districts now and, specifically,
6 we are looking at a new House district that can be created in
7 South Metro Atlanta that would include part of Spalding County
8 and part of Henry County and part of Clayton County.

9 Q You know, Mr. Cooper -- oh, I'm so sorry to do this. I
10 did have one more question about District 18, if you don't
11 mind me going back to that for one second.

12 A Sure.

13 Q You mentioned you could do it differently. Could you do
14 it differently and preserve the Black majority districts that
15 you have already drawn?

16 A Oh, yes. Yes. I mean there would be a minor change to
17 House District 154, where the --

18 THE COURT: You understand this is what I have in
19 front of me right now?

20 THE WITNESS: Right, I do.

21 THE COURT: You agree that that's -- the compactness
22 of that district is off?

23 THE WITNESS: It could be better. It could be better
24 for sure.

25 THE COURT: So what do I do? In other words, this is

1 what I have now and you said you could draw it better.

2 THE WITNESS: well --

3 THE COURT: If I'm Mr. Tyson, I'm saying, Judge, this
4 is it. This is what he gave us.

5 THE WITNESS: well, this is just an illustrative
6 plan, though. I don't think -- it's a very rare occasion
7 where a Court would ever order an illustrative plan. Usually
8 the other side would get to produce a remedial plan pretty
9 quickly and we might respond, so I think ahead maybe I could
10 responds and fix that issue.

11 THE COURT: Mr. Tyson is going to say, Judge, he has
12 to at least be as sure as possible for it to be done.

13 THE WITNESS: well, I know it's possible. I'm not
14 demonstrating by the way of printed maps today as an exhibit,
15 but I did check that out this weekend and know that Worth
16 county and, you know, the other county I was looking at
17 further north may be blocked off. So at a minimum, it can be
18 made that much less elongated and, perhaps, more so. Given
19 time working on the plan, perhaps it could be changed so that
20 it could be less elongated than the configuration that I just
21 described. But I am confident that Worth -- and I would have
22 to blow that up on the map. I'll look at it.

23 THE COURT: Let's pull that back up.

24 THE WITNESS: Monroe County does not need to be in
25 that district. So those are the two most elongated counties

1 in that particular map, and both of those can be cut out.
2 Crawford would remain in and Upson County could shift into
3 District 18. So basically run from Lee to Bibb County and
4 it's conceivable, given time that I could make it even more
5 compact.

6 THE COURT: When you make those changes, what happens
7 to the other counties? What happens?

8 THE WITNESS: It is possible that I would need to do
9 an additional county split in Dooley, in one of the counties
10 in District 20, which is not majority Black. It would have
11 all almost no impact on the majority Black district. There
12 could be a slight diminution in District 12 where I would
13 probably put all of Sumpter County in District 18, but,
14 possibly I could still leave that as is.

15 BY MR. SAVITZKY:

16 Q Mr. Cooper --

17 THE COURT: Hold on one second. Do you think Monroe
18 -- you would take Monroe County out? You agree it probably
19 does not have a whole lot of similarities with Worth County,
20 Monroe County?

21 THE WITNESS: Right. Monroe County would go out and
22 Worth County would go out into difference districts. So it
23 would -- as it presently stood -- and I didn't spend a lot of
24 time on this -- but as it presently stood, it would still
25 include Lee County up to Bibb County, but it is not out of the

1 question that something couldn't be done with Lee County also
2 so it would really be Sumpter to Bibb area.

3 THE COURT: If you take Sumpter County out, wouldn't
4 that have an effect, major effect?

5 THE WITNESS: It does have an effect. I mean the
6 Black VAP in Plan 57.3 and in the plan that I developed, the
7 Black VAP did drop to about 55 percent, by taking Sumpter out.
8 But that's still is majority Black district. And so, I don't
9 think that would be an issue in terms of the Black VAP. And I
10 do think that with further work, I could figure out a way to
11 make it even more compact, it being District 12, but, because
12 you are all constantly dealing with deviations and wanting to
13 freeze the districts and not make a lot of changes.

14 THE COURT: Any more splits? would there be any more
15 splits, if you do changes?

16 THE WITNESS: It is possible that I would have one
17 more county split. However, if I move Sumpter into District
18 18 it might not be necessary. So I've got a lot of the likes
19 and probables in there, I understand that, but that was just a
20 little experiment when looking at the map and saying, yes, it
21 is too elongated. But I will say it's easy to understand
22 because it is only working basically county lines and no
23 precinct in Bibb County. So on that count, it's okay. It's
24 not, you know, the famous I-85 district that went from
25 Charlotte to Durham or something, that -- this is nothing like

1 that.

2 THE COURT: I will grant you that. Go ahead.

3 BY MR. HAWLEY:

4 Q On that question, Mr. Cooper, are there other traditional
5 factors in addition to compactness that you were considering
6 balancing when you drew this particular district?

7 A I was trying to keep counties whole, and I think -- but I
8 haven't really confirmed that. I was also working with
9 information on incumbents that may have been different from
10 the information that I now have with illustrative plan 2. So
11 that could have been a factor, trying to avoid additional
12 incumbents.

13 Q And, Mr. Cooper, is there a minimum compactness score
14 below which you sort of shouldn't be balancing compact into
15 the other factors?

16 A Well, I do better with the total Polsby-Popper score in
17 this one is .1. The State Senate Plan has one that's .11. If
18 you look at some of the shapes of some of the Senate districts
19 in the State's 2021 Plan in DeKalb County, some of those are
20 pretty odd looking, elongated and split precincts and cities
21 and towns. So at least this plan is only problematic from the
22 standpoint of it's 11, really, insofar as District 18 goes and
23 I think that could be corrected in the future.

24 Q In your experience, drawing districts, applying the
25 traditional factors, is it possible that a district with a

1 .10, .11 maybe nPolsby-Popper score comports with the judicial
2 redistricting factors overall?

3 A It could, yes. It could, depending on the situation.

4 Q And in this case, given your balancing factors, do you
5 think that Senate District 18 comports with judicial
6 redistricting factors?

7 A I think because it doesn't break county lines anywhere
8 except by precincts in Sumpter and Bibb, that it is within
9 range of being acceptable. Again, because this was an
10 illustrative plan, I was very focused on trying to keep the
11 majority Black districts compact and reasonably shaped and
12 this one was a little longer than I thought it was.

13 THE COURT: Right.

14 BY MR. SAVITZKY:

15 Q Can I ask just one other question on this? Is it possible
16 for a district to comport with judicial redistricting factors
17 but also be capable of further improvement?

18 A Certainly. Clearly it's capable of further improvements.
19 I know that for a fact.

20 Q All right. Can you go back to there dec, please and let's
21 look at the House District -- again, this is A B 1, A B 2 from
22 your report, Page 53 of the presentation. And I wanted to ask
23 you again because we went back to 18 for a minute. What are
24 the districts that we are talking about here?

25 A Well, here we are looking at South Metro Atlanta House

1 Districts that I created, the new house districts, the
2 Judicial House Districts. This is Illustrative District 73 --

3 Q And --

4 A -- in pink.

5 Q And what happens, what are the counties that we are
6 looking at here?

7 A We are looking at Spalding County and part of Henry County
8 and Clayton County.

9 Q And, Mr. Cooper, how does this area compare to the area we
10 were looking at before with those south metro district?

11 A Well, it's the same general area. The same subset of five
12 counties.

13 Q And what happens to this area under the State's 2021 House
14 Plan?

15 A It is in -- by and large, it is House District 74, which
16 is only 25 percent Black.

17 Q And what about in the illustrative plan?

18 A In the Illustrative Plan, District 73 is 60.6 percent
19 Black.

20 Q And what, if any, areas in the illustrative plan are newly
21 included in the Black majority district?

22 A The newly-included areas would include part of Henry
23 County and part of Spalding County.

24 Q Is that reflected in the highlighting here?

25 A Yes.

1 Q Let's look at one more district I believe right in the
2 neighborhood Exhibits A C 1, A C 2 from your report. which
3 districts are we looking at now?

4 A We are looking at Illustrative House District 12, 110,
5 excuse me, that is in Spalding and Henry counties.

6 Q And what happens to this area under the 2001 House Plan?

7 A It is merged into, primarily into District 134, I believe,
8 under the 2021 Plan.

9 Q And how about under the illustrative plan? what happens
10 to this area?

11 A I'm sorry. I lost the area.

12 Q In the illustrative plan, what's happens in the same
13 period?

14 A The area in District 110 highlighted there is 52.4 percent
15 Black.

16 Q And in the illustrative plan, what areas, if any, are
17 newly included in the Black majority district?

18 A The areas in Spalding County and Henry County.

19 Q And is this highlight reflecting those areas --

20 A Yes.

21 Q -- that would be included?

22 A Yes.

23 Q All right. Mr. Cooper, let's turn to the area identified
24 as the eastern Black Belt and look at House District there.

25 This is exhibit A B 1, A B 2. which district are we focused

1 on in the Illustrative Map here?

2 A This district is 144 in the eastern Black Belt and it
3 includes some areas that are in the Savannah Area Regional
4 Commission as well as parts of Baldwin and Hancock Counties
5 which together make up a Census Bureau micropolitan area
6 along with Wilkinson County to the south and Putnam County
7 also extending into the City of Eatonton.

8 Q Is the same or similar region where of Senate District 23?

9 A It's a similar region. Not the same.

10 Q I'm just going to highlight the Black majority districts
11 in the respective plans here. What happens or I should say,
12 what happens in this area under the 2021 House Plan on the
13 right side?

14 A Well, in the 2021 Plan, much of this area is in the area
15 in House District 144 in a majority white area, majority white
16 district. Several different ones converged in.

17 Q So which areas or counties would be newly included in a
18 Black majority district under the illustrative plan?

19 A Toliver, part of Putnam, part of Baldwin and all of
20 Wilkinson.

21 Q And does this highlighting reflect those areas that are
22 newly included?

23 A Yes.

24 Q And I'm just going to go to the previous highlighted area
25 in the Black majority districts. How many Black majority

1 districts does the illustrative plan draw in this eastern
2 Black belt region in total?

3 A There's six majority Black districts drawn in the
4 illustrative plan and just five in the House Plan.

5 Q All right.

6 A 2021 House Plan.

7 Q Let's look at one more in this western Black Belt region
8 that you identified. What district -- regional Illustrative
9 District are we focused on here?

10 A We are focused on House District 150, 153, the new
11 additional House district in that part of the state and it
12 would include part of Dougherty County, Albany, the all of
13 Mitchell and part of Thomas into Thomasville, following the
14 main route there from Albany to Thomasville.

15 Q And, Mr. Cooper, the image on the right side of 2021 Plan
16 A B 2, is that one that you created? Did you create the
17 image?

18 A Yes, that's the side of the same scale showing the Georgia
19 House under the 2021 Plan.

20 MR. SAVITZKY: Your Honor, the image on the right A B
21 2 is Figure 35 of Mr. Cooper's declaration I think was
22 inadvertently was left out the set of exhibits. We have
23 marked it as Alpha's 47 and move to admit it into evidence at
24 this time.

25 THE COURT: Thank you.

1 BY MR. SAVITZKY:

2 Q So I'm highlighting that region that you identified
3 earlier in green boundary. Can you remind us what that region
4 is?

5 A It's Senate District 12 under the 2021 Plan.

6 Q What's the relevance of knowing this is the Senate
7 District 12?

8 A Well, Senate District 12, is a population of about
9 200,000. And so, taken by itself, would surmise that you
10 could actually create three majority Black house districts, as
11 compared to the two majority house districts that are, in
12 fact, found in the 2021 Plan in that region of the State.

13 Q And, Mr. Cooper, under the Illustrative Map, which, if
14 any, areas would be newly included in a Black majority
15 district under your illustrative plan?

16 A Mitchell County, which is almost majority Black is
17 48 percent Black, I think, and Thomas -- part of Thomas County
18 and Thomasville.

19 Q Mr. Cooper, is there any reason why you connected Albany
20 and Thomasville, other than race? Is there any other way to
21 explain it?

22 A Well, it -- there is a clear transportation route along
23 the Highway 19, I think it is and, Mitchell County is part of
24 what -- you flip back and look at the regional commission maps
25 and if I can find the map here, Albany is in -- one moment. I

1 thought I had quick access to this map. Here we go. There
2 are actually two regional commissions involved here with the
3 State Senate Plan, but you can see that the Southwest Georgia
4 Regional Commission includes Thomas, and extends all the way
5 out to the Albany area. So it's in the same Regional
6 Commission and it's connected by a major highway that's
7 featured in the Georgia tourist volume I think that you can
8 get at rest stops. There are clear connections between Albany
9 and Thomasville.

10 Q Mr. Cooper, summing up, did you form an opinion overall on
11 whether or not the Black population in Georgia is sufficiently
12 numerous, compact to comprise voting age majority and
13 additional State Senate and State's House District?

14 A Yes.

15 Q What's your opinion?

16 A My opinion is that you can create at least three
17 additional Senate seats in an illustrative plan based on the
18 2020 Census. And for the House Plan, you can create at least
19 an additional four seats.

20 Q And, Mr. Cooper, were you able to draw your Illustrative
21 Plans using traditional districting principles?

22 A Yes. With the exception that the Judge agrees with me
23 that more work needs to be done on Senate District 18, but
24 that is not a majority Black district.

25 THE COURT: Wise wisdom. A wise witness agrees with

1 the Judge.

2 MR. SAVITZKY: I wish that I had in our Powerpoint.

3 BY MR. SAVITZKY:

4 Q Mr. Cooper, one other question. Why is it called the
5 Illustrative Plan?

6 A Well, because it's not intended to be a final remedial
7 plan. It's just there to show that the majority Black
8 districts can be drawn in a fashion that comply with
9 traditional redistricting principles and, you know, it's not a
10 final plan.

11 THE COURT: But it could be?

12 THE WITNESS: It could be a final plan?

13 THE COURT: Yes.

14 THE WITNESS: Well, it could be. I mean it's
15 borderline.

16 THE COURT: Have you not had one of your
17 redistricting plan come out to be a final plan?

18 THE WITNESS: Well, I have. And in Washington the
19 court ordered majority district in the city council trial, not
20 a trial summary judgment in the state of South Dakota court
21 ordered just adopted my illustrative plan, but I didn't have
22 long to work on that.

23 THE COURT: Plus to be fair to the State, they need
24 to know a point of reference to question you about it, do they
25 not? Don't the State need to know where you say it's a

1 possibility that the district can be drawn? The State has to
2 have something to Cross you on or question you about, do they
3 not?

4 THE WITNESS: True, yeah. Yeah. so, yeah,
5 illustrative plan can be court ordered, but I would imagine --
6 I mean it was -- the South Dakota situation, they just didn't
7 bother to submit a remedial plan.

8 THE COURT: And Mr. Tyson, relax. I'm not saying
9 that's what we are going to do, but I guess the point I'm
10 trying to make, it has to be some point of discussion.

11 THE WITNESS: Yeah, I understand that. I mean I
12 agree upon reflection. I agree, for sure.

13 THE COURT: Two for two.

14 THE WITNESS: Right. And if I get another
15 opportunity, I will fix that.

16 THE COURT: Thank you.

17 MR. SAVITZKY: Your Honor, no further questions of
18 Mr. Cooper at this time.

19 THE COURT: Mr. Hampton, I know the answer to this
20 question but do you wish to question?

21 MR. HAMILTON: No, your Honor. Thank you.

22 THE COURT: All right then. Mr. Tyson.

23 CROSS-EXAMINATION

24 BY MR. TYSON:

25 Q Mr. Cooper, good afternoon again.

1 A Good afternoon. Long time no see.

2 Q It has been a while. Good to see you again.

3 All right. So let's jump right in. I'm not going to
4 ask the same question and cover background that we have
5 already asked, but I do want to begin with Paragraph 5 of your
6 declaration, just to talk about it again, what it is you were
7 asked to do.

8 The attorneys asked you to determine whether the
9 African American population in Georgia is sufficiently large
10 and geographically compact to allow for the further creation
11 of employing traditional redistricting principles of
12 additional majority Black Senate and House districts beyond
13 those created in the legislative plans.

14 That's what your declaration says; correct?

15 A Yes.

16 Q And, so as we have discussed, your goal really was to
17 create an additional majority Black district in the creation
18 of your House and Senate Plan; right?

19 A Well, it was to determine whether or not additional
20 majority Black districts could be created. So there was no
21 goal per se. I don't think I agreed to that statement
22 previously. To clarify, I was not told you draw four majority
23 Black districts or you draw two or one. I was just asked to
24 see whether additional districts could be created, given the
25 present demographics of 2020.

1 Q Now, when was it that this request came to you to begin
2 work on legislative plans for the House and Senate?

3 I think the request came sometime in the summer, and
4 I did do a little bit of work on the House and Senate in
5 September and early October, but then I had to take a little
6 break because of some involvement in other redistricting
7 situations, like the Alabama Congressional Plan, Baltimore
8 County, Maryland, County Commission. There is actually a
9 hearing next week on that. San Juan County Commission that I
10 was working for the local government assisting them with
11 drawing voting plans and that became a little more time
12 consuming than I anticipated, so I spent less time on this
13 project than I probably should have, and because of that
14 redistricting Senate 18 can be made less elongated on a second
15 stab.

16 I sometimes draw numerous plans like three or four
17 illustrative plans and eventually get to a plan that becomes
18 illustrative plan 1, and I was not able to really look at
19 things quite as closely in the Census.

20 Q so you would agree that given more time, you can get more
21 refined redistricting plans put together; right?

22 A Yeah. I'm one person. I'm not the State legislature that
23 has a lot of resources at its disposal.

24 Q so you began your drawing in September and October. That
25 was before the legislature released had reached any plan;

1 correct?

2 A That's true. That's why I started with the 2015 Plan and
3 2014 Plan.

4 Q And, so the effort that went into the illustrative plan
5 was underway before anyone knew what the State was going to
6 adopt for its Legislative Plan; correct?

7 A Yes. I didn't know.

8 Q And had you completed the process of drawing 19 majority
9 Black Senate Plans and 54 majority Black House Plans before
10 the special session convened?

11 A No.

12 Q When did you complete that process?

13 A I think sometime in the latter part of November, I had the
14 plan fairly well finalized for both the House and Senate.

15 Q And the latter part of November would be the time the
16 legislature was finishing its special session?

17 A Yeah. I guess early December, maybe when the 2020 Plan
18 was enacted; is that right, and the Governor signed off in
19 January.

20 Q I believe mid November to late November is when we
21 finished up the timeline on that.

22 A Right.

23 Q But, so just -- I just want to make sure, so did you
24 deliver your illustrative plan to Plaintiff's counsel before
25 the end of the Special Session or right after it ended?

1 A No, I think the final parts really weren't until the end
2 of December but I was working on those plans in November.

3 Q And you indicated in the discussion about Senate District
4 18 that you were very focused on making the majority Black
5 Districts compact. Were those the main priorities in what you
6 were looking to draw?

7 A Well, I had to demonstrate that those districts were
8 complying with redistricting principles, yes.

9 Q And so is it accurate then to say you focused on drawing
10 those districts and then just kind of filled in what was left?

11 A No. No. I was doing a map along the way and at any point
12 in time I had various parts of the state up and was doing
13 districts that were not necessarily majority Black in the
14 process.

15 Q But it's accurate that you spent less time on districts
16 that were not majority Black?

17 A No, that's not accurate either.

18 Q Okay.

19 A I spent a lot of time on some of those districts because
20 you have got to work to get the deviation plus or minus 1
21 percent and try to produce county splits, so, that would not
22 be accurate, I don't think.

23 Q So help me understand what you testified earlier about
24 being very focused on the majority Black districts. I took
25 that in distinction to other districts that are not majority

1 Black. Is that not what you were saying?

2 A Well, I wanted to ensure that the districts I was drawing
3 were majority Black and, you know, I must just have failed to
4 really think about the length of Senate District 18. Because
5 otherwise, if you don't look at the whole length, it's
6 following basically county lines and the House still had
7 information about incumbents and I was very focused on trying
8 to keep incumbents not there and so that would have been
9 another factor that might have somehow allowed me to draw
10 District 15 more elongated than it should have been, but I'd
11 have to go back and to find out exactly what resulted in the
12 length of that district.

13 Q And I believe it was established your illustrative plan
14 splits more counties than the Adopted House and Senate Plan;
15 correct?

16 A It splits more counties but has fewer county district
17 combinations. In other words, it has fewer splits.

18 Q But it does split more counties as a matter of a number of
19 counties that it splits; correct?

20 A Yes. It does split more counties, some counties in
21 Georgia as you know are very small, like Toliver, the smallest
22 east of the Mississippi, I think, and some quite large.

23 Q And you would agree that your plans for the House and
24 Senate have higher deviations than the Adopted Plans as a
25 matter of total deviation; right?

1 A No. I would not agree with that. I thought the house
2 plans plus or minus 1.5 percent deviation. The Senate is plus
3 or minus with 1 percent deviation. So based on average, I
4 don't think my plan exceeded that range. Do they?

5 Q We'll circle back to that. I think they do. We can come
6 back to that on the districts, so we can deal that.

7 A Yeah. I would like to see that because I don't think
8 that's the case.

9 Q So you were first contacted about serving as an expert in
10 this case in the Summer?

11 A I believe so.

12 Q And that was before the Census had come out; correct?

13 A Right.

14 Q Going to Paragraph 7 under your declaration, you conclude
15 that you can create three additional majority Black Senate
16 districts and five majority Black House districts; is that
17 correct?

18 A I conclude that you could create at least three more and
19 at least five more House Districts.

20 Q In your testimony you cover three Senate districts and
21 four House districts as I understand it today; is that
22 correct?

23 A I believe one being challenged by the attorneys, four
24 districts.

25 Q So the fifth district that you created is new where was

1 that?

2 A That's in South Metro Atlanta. It would be District 111,
3 112. Those are not being challenged.

4 Q And when you say not being challenged, is it your
5 understanding that the Plaintiffs are not contesting the
6 district should have been drawn there that wasn't?

7 A Yeah. I will leave up to the attorneys. I don't know. I
8 truly don't know the specifics of that but I do know these are
9 the four that are -- they asked me to speak about in
10 testimony, even though there's a fifth one in the south metro
11 area and -- well, two more Senate districts in Gwinnett County
12 that just sort of formed organically as I was re-organizing
13 the State based on the 2015 plan. So there are actually 19
14 majority Black Senate districts in my plan that only really
15 creates three additional Black majority districts from the
16 standpoint of what is being challenged. I know that sounds
17 confusing.

18 Q I'm sorry.

19 A I mean that is confusing, but I was not trying to draw
20 additional majority Black districts in Gwinnett County but
21 because of the tremendous growth in the Black population in
22 Gwinnett County, two districts that I drew became accidental
23 majority Black districts because they are not being
24 challenged.

25 Q And I saw from 19 to 14 on the Senate district. There's

1 five additional districts. We are talking about three
2 additional districts. And so, it's your understanding that
3 you're testifying about three additional districts, even
4 though you drew five additional districts?

5 A There are two additional districts in Gwinnett County, I
6 think primarily in Gwinnett County, that are majority Black.

7 Q But your expert testimony is that the population is only
8 sufficiently numerous and geographically compact for three
9 additional Senate districts and four additional House
10 districts; is that right?

11 A No, I said at least, at least. Not just limited to four
12 and three.

13 Q I'll circle back on that. We'll come back to that point.
14 Let me ask you this: In your summary in Paragraph 11 of your
15 report, you talk about the 19 majority Black Senate districts.
16 Did you try to draw more districts than 19 majority Black
17 Districts in the Senate?

18 A No. And I really was not trying to draw 19. It's just
19 they were one person one vote and configure things in Gwinnett
20 County and reasonably shape and pack a couple of additional
21 districts. I think those areas were already electing African
22 Americans in general in the 2015 time period. In the 2015
23 Plan, I think African Americans were being elected to the
24 general regions where there are two more districts that are
25 majority Black under the illustrative plan.

1 Q So, let me make sure I understand. So there are two
2 districts that are on the 2021 Senate Plan in Gwinnett County
3 were already electing candidate of choice in the Black
4 community without being majority Black?

5 A I think so. I'm not -- I have not looked at the political
6 data. I just think that based on present-day incumbents, a
7 couple of those districts that I had drawn are majority Black,
8 already have a Black incumbent in Gwinnett County.

9 Q And so do you look at the race of all the incumbents then
10 to make that determination?

11 A I knew -- I had information about the Black incumbents and
12 minority incumbents, and all incumbents for that matter. That
13 information actually came from redistricting data files that I
14 got. I don't have -- I believe the State may have also had
15 that information, but I could be wrong.

16 Q So, do you know if it's possible to draw more than 19
17 majority Blacks in districts?

18 A I don't know.

19 Q Do you know if it's possible to draw more than 54 majority
20 Black House districts?

21 A Well, I think it is. Again, in Metro Atlanta where the
22 minority population is already electing candidates of choice,
23 as I understand.

24 Q So let me -- again, I want to make sure I understand. I'm
25 not sure I'm totally clear. So there are areas in Metro

1 Atlanta that without a majority Black district are electing
2 candidates of choice to the State House; is that your
3 testimony?

4 A That's right. They are coalition districts probably and
5 some in instances would not be majority Black.

6 Q So, your testimony is there are districts in Georgia on
7 the 2021 Plans that would be electing candidates of choice
8 without being majority Black?

9 A I don't know but maybe so.

10 Q In drawing your House and Senate Plan, were there any
11 districts you drew as a major Black district included that was
12 a racial gerrymandering and eliminated that majority Black
13 district?

14 A I don't recall drawing any like that.

15 Q Did you -- is this the most majority Black districts you
16 drew on any State Senate plan you have worked on?

17 A Can you rephrase that?

18 Q Sure. Is 19 majority Black Senate districts the highest
19 number of majority Black State Senate districts on the plans
20 you worked on for this litigation?

21 A I think so.

22 Q And is 54 majority Black State House districts the highest
23 number of the majority Black districts in any State House Plan
24 that you have worked on?

25 A Maybe not. I may have gone another one elsewhere. Again,

1 sort of an organic district that was a ripple effect of how I
2 modified the plan to come into compliance with one person one
3 vote.

4 Q But sitting here today, you can't say for sure whether or
5 not there was an additional district you drew?

6 A Well, I do think there's one in, I think it's District 12
7 in Newton County that is a new one but, it may also overlap
8 with an existing majority Black district, so I don't think
9 that district is being challenged, but I am not a lawyer and
10 I'm not assigned this responsibility of doing any kind of
11 performance analysis or anything like that, so I'm just
12 speaking from the standpoint of knowing that I think another
13 district can be created, and I believe I had created one,
14 District 112.

15 Q And have you looked at Mr. Esselstyn's plan for the State
16 House and State Senate?

17 A No, I have not.

18 Q Are you aware that he creates districts in other locations
19 in the ones that he reviewed?

20 A I'm dimly aware of that I think, because I think I do
21 understand that he's created a couple in Bibb County that I
22 did not create but I have not seen the districts.

23 Q So in terms of drawing the State House and Senate Plans,
24 did you have a particular target you were drawn to or was your
25 instruction to draw more than the Adopted Plans?

1 A My instructions were to determine whether or not an
2 additional Senate District could be drawn and whether or not
3 an additional House District could be drawn. It was no
4 discussion of numbers like draw us five districts or two
5 districts or whatever.

6 Q But you received those instructions before the legislature
7 started drawing maps. So how did you go about drafting those
8 plans?

9 A Well, I took the existing 2015 Plan and proceeded to get
10 all of the districts to plus or minus 1 and half percent for
11 the House and plus or minus 1 percent for the Senate, and in
12 the process, drew majority Black Districts.

13 Q So was your -- would you categorize your plans as being a
14 least changes plan from the 2015 and 2014 House and Senate
15 Plan?

16 A I would not categorize them as least change because in the
17 process of drawing additional majority Black districts, given
18 the varying type deviation range, there's a ripple effect that
19 affects many districts, so I could not qualify them as least
20 change. Moreover, I can't remember what the deviation was for
21 the State House Plan, State Senate Plan under the 2020 Census
22 as drawn in 2015 and 2014, but it was double digit. One of
23 the plans, I think, was like a 50 percent deviation, so a lot
24 districts were malapportioned.

25 Q Let me go to Paragraph 12 of your declaration. So you

1 talked with the Plaintiff's counsel about this idea that the
2 number of Black Georgians increased two and a half Senate
3 districts or 8 House districts. Do you recall that?

4 A Yes.

5 Q And you criticized the State for not adding additional
6 majority Black districts in the Senate and House as a result
7 Paragraph 13 and 14. Does that ring a bell?

8 A I'm not here to criticize necessarily.

9 Q What I want to do is move to Page 16 of your report.
10 We've talked about it a little bit already. I don't want to
11 belabor the point, but the actual increase in terms of the
12 percentage of Black voters that are single race Black in
13 Georgia over the last ten years was .54 of a percentage point;
14 correct? 30.46 to 31?

15 A Yes, of single race.

16 Q And any part Black it's about a point and half, 1.53 to
17 33.03; correct?

18 A Correct.

19 Q And, so how is a 1.5 percentage point increase, two and a
20 half Senate districts and you're saying these districts should
21 have been drawn when a proportion of Black voters in Georgia
22 didn't change that dramatically?

23 A But the underlying population in absolute numbers went way
24 up, by hundreds of thousands.

25 Q So your contention is based solely on the increase in raw

1 population numbers, not relative to the remaining population
2 increases.

3 A Both, actually. Because the percentage did go up and the
4 percentage is up significantly also since the 2000 census,
5 which is really the last time there was any effort to create
6 additional majority Black Districts.

7 Q Can you say that the two additional majority Black
8 districts in the State House in Paragraph 14 is not
9 commensurate with the significant growth Georgia Black
10 population? Do you recall that statement?

11 A Yes, I do.

12 Q Isn't two districts out of 180 a little more than 1
13 percentage point?

14 A It's about 1 percentage point, yes.

15 Q So if Black voters increased in Georgia from a half a
16 point to one and half points over the last decade, that would
17 be about two House districts, wouldn't it?

18 A Wait a minute. I thought we were talking the Senate. Are
19 we talking about the House or Senate?

20 Q House.

21 A I referenced two and a half Senate.

22 Q I understand. My question was related to Paragraph 14.
23 That may help us to establish where we are.

24 In Paragraph 14 you say the 2021 House Plan has two
25 more majority Black districts than the previous plan enacted

1 in 2015 and that small increase is nowhere near the
2 commensurate with the significant growth of the Georgia's
3 Black population during that period.

4 Do you see that statement?

5 A I do see that statement, and I agree with that statement.

6 Q And you agree also that two House districts out 180 is
7 about 1 percent point increase in the number of districts;
8 right?

9 A Right. The Black population in absolute terms increased
10 by 15 percent. The white population declined since 2010. So
11 I don't see how in the world with a straight face that you
12 could suggest that you couldn't draw additional majority Black
13 Districts in Metro Atlanta where the population increased by
14 400,000 persons, Black population since 2010. It's just
15 almost self-evident. Anything is possible but I think we've
16 proven, I have proven with the illustrative plan that I drew
17 that you can unquestionably draw additional Black districts in
18 South Metro Atlanta where the growth of the population growth
19 has occurred.

20 Q You would agree with me that if Black Georgians had grown
21 by 400,000 that other racial categories had grown by 2 million
22 that -- I'm not saying that would happen, but hypothetically,
23 you would agree that would impact the number of majority Black
24 districts you could draw; correct?

25 A Yes and no. In fact, the total population growth over the

1 course of the decade was a little bit over a million. So
2 roughly half of that population was African Americans. And we
3 also have to take into account that, you know, frankly a
4 significant portion of the Latino population, Asian population
5 is not yet U.S. a citizen. So the fact that it's grown that
6 much, half of it African American and probably well over half
7 if you just look at civilian voting age population, then it
8 suggests to me that surely in Atlanta somewhere, one can get
9 more than two districts.

10 Q Let's go to Figure 5 in your report on Page 20 here on
11 your screen. And you talked through that the number for 1990
12 was not a part Black. It was a different metric; correct?

13 A Single race Black.

14 Q And in 1990 Black individuals were almost right at
15 27 percent of the single race Black table; correct?

16 A Correct.

17 Q And then in 2000, we began having access to in the part
18 Black number. And from that time period, it's a matter of
19 points, Black voter had gone from being 29.24 percent in 2000
20 Georgia population to 31.53 percent in 2010; correct?

21 A Right.

22 Q And so that's about almost 2 points but not quite 2
23 points; correct, or actually a little over 2 points? I'm
24 sorry, 2.3.

25 A Right.

1 Q And then the gray area changed between 2010 and 2020 as we
2 talked about was 1.5 points; correct?

3 A Right.

4 Q And so it was a matter of proportion of the population,
5 the increase in Black citizens was slower between 2010 and
6 2020, than between 2000 and 2010; correct?

7 A What was the time period you were referring to?

8 Q I'm comparing the change in percentage from 2000 to 2010.

9 A Okay.

10 Q With the change of percentage from 2010 to 2020.

11 A Right. As was the change in the non-Hispanic white
12 population also. You recall the non-Hispanic white population
13 has actually declined by 1 percentage point since then.

14 Q But you'd agree with me that there is a proportion of the
15 population, Black growth was slower between 2010 and 2020
16 between 2000 and 2010; right?

17 A I'd need to check that. Because I look at the absolute
18 numbers, not the percentage points.

19 Q Okay. You have percentage point right here in Figure 5.

20 A Right. Right. I mean if you want to look at the
21 percentage points, but I would argue that it goes beyond
22 percentage points and you need to look the absolute population
23 growth, particularly where it's occurring. If it's occurring
24 in Metro Atlanta. If it's occurring in South Metro Atlanta.
25 Also, of course, I have identified areas in the Augusta

1 eastern Black Belt and the southwest Black Belt where
2 additional districts can be created. There the population is
3 not growing. It's just that the white population has declined
4 rapidly apparently and so Black population percentage in those
5 areas is going up.

6 And so while it might not have been possible to draw
7 majority Black districts back that the early '90's when there
8 was something called the 65 percent rule around requiring --
9 suggesting that districts should be 65 percent, there was
10 probably no effort to draw the additional district down there.
11 But now, we can make that effort because 65 percent is no
12 longer considered to be a necessary goal when drawing a
13 majority Black district.

14 And in short, the reason why you can draw all these
15 additional Black districts is just the obvious, the incredible
16 growth in the Black population in core Atlanta in the 11, in
17 the 11 counties that make up the Atlanta Regional Commission
18 and in Metro Atlanta in general, all 29 counties.

19 Q So let me ask you another question about 18 AP versus
20 single race Blacks. AP Blacks includes all people who
21 identify as single race Black; correct?

22 A Right.

23 Q And it includes additional individuals who may identify
24 other racial categories in addition to Black; correct?

25 A Correct.

1 Q So is it correct to say that any part Black will always be
2 a higher number than single race Black when we're looking at
3 Census metrics?

4 A Yes. As long as you are looking at single race Black and
5 any part Black without taking into account Hispanic -- count
6 Hispanic Blacks and Hispanic single race Black as part of that
7 equation.

8 Q And so when we look down, and we will get to the districts
9 in a minute here, but districts like Senate District 23 that
10 50.5 percent AP Black under the illustrative plan, would it
11 surprise you if the single race Black number was below
12 50 percent on that District?

13 A It would not surprise me if it were below.

14 Q Do you ever check single race numbers for any of your
15 districts?

16 A I sometimes see that number, yes.

17 Q Did you check it for District 23?

18 A I probably did. The operative metric, as I understand it
19 because of the footnote in Georgia 2003, is that we should be
20 using any part Black and that's what I used in the most recent
21 case that I testified in regarding Section 2 redistricting
22 over in Alabama two or three weeks ago when the Court accepted
23 the any part Black definition and the other side made a big
24 issue of that throughout the case.

25 MR. TYSON: Your Honor, we have been going for a

1 couple of hours. I'm about to transition.

2 THE COURT: Let's take a break right here. Okay.
3 It's 3:30. Let's start back at 3:45.

4 THE COURT: All right.

5 (whereupon, a break was taken.)

6 THE COURT: Mr. Tyson, you may resume, if you are
7 ready.

8 MR. TYSON: Thank you, your Honor.

9 BY MR. TYSON:

10 Q Mr. Cooper, I want to keep working our way through your
11 report here. So next let's go to Page 17 in Figure 4 which
12 includes the various regions that you identified. And I
13 wanted to just understand it from your methodology kind of how
14 you arrived at these particular regions.

15 If you are looking for the page number in your
16 report, it's 18 on the blue number at the top and it's on the
17 screen as well.

18 So for Region A that's outlined in blue, how did you
19 determine this was a region where you wanted to focus on
20 drawing?

21 A Because that's the part of Metro Atlanta that has
22 experienced the most Black population growth in the last 30
23 years. It's been transformed in that regard.

24 Q And did you determine these regions before the legislature
25 completed its redistricting process in November?

1 A Maybe. It would have been sometime around that time. As
2 I was working on the 2015, 2014 Plans before I got very deep
3 into that, I did identify these regions as being the most
4 likely places where I could draw additional majority Black
5 district. Partly, it was based on that experience. I've had
6 extensive time, as you know, in the Fayette County case and
7 Pendergrass and how that particular county changed and then
8 the legislature work that I did later in the decade involving
9 Henry and Gwinnett Counties and the Gwinnett County commission
10 lawsuit. I don't know if you were involved in that or not.

11 Q I wasn't involved in that.

12 A But there again, dramatic population change.

13 Q And just so I understand your sequence, did you identify
14 the regions first and then commence drawing districts or had
15 you already begun drawing districts when you picked these
16 regions out?

17 A It was probably pretty simultaneous.

18 Q Are you aware that the legislature took public comments
19 online regarding the redistricting process?

20 A I believe I am aware of that, yes. I may not have known
21 it during the redistricting process, but I did see that that
22 option was available.

23 Q In developing your regions or drawing the maps, did you
24 take into account the public comments offered by people to the
25 legislature?

1 A I did not.

2 Q Did you listen to any of the redistricting hearings that
3 were held to gather input from voters?

4 A I did not.

5 Q So it did not form any basis for your reason of
6 redistricting?

7 A It did not.

8 Q So we talked about Region A. Now Region C down there in
9 southwest, I believe you said this is just the boundary of
10 Senate District 12 as drawn by the legislature; correct?

11 A Right. I believe that district was there in 2015 and this
12 is actually the 2021 -- the district was there in 2015 also.

13 Q But for this specific outline of this region you had to
14 wait until the legislature completed the drawing process to
15 create this region?

16 A To actually draw this map, obviously, this map was drawn
17 after the 2021 Plan had been enacted. That's true. The
18 county map, the MSA map and my outline of South Metro Atlanta
19 probably were done before the plan was enacted by the
20 legislature. But the region that I identified down here using
21 the green lines, I had identified, I think, using the County
22 Commission Regions as a general idea, coupled with just the
23 high-line Black population percentage in those areas and what
24 I think was my knowledge, that there was already a Senate
25 district down there, but this map was drawn, at least the

1 green outline on this map was drawn after the 2021 Plan had
2 been adopted or enacted.

3 Q And then for Region B, how did you determine what counties
4 to include and what counties to exclude from that red outline?

5 A I just took the Savannah River Area Commission boundaries
6 for that red outline.

7 Q And so is it your testimony that Lincoln and Columbia
8 Counties are not in the Savannah River Commission?

9 A Not in the map that I had, I don't believe, but I could be
10 mistaken. I guess I am mistaken. Those are in Savannah
11 River. They are not majority Black counties. They are
12 primarily white counties, and so I had narrowed the focus.

13 Q So just so we know what you are referring to, are you
14 referring to one of the exhibits in your report?

15 A Yes. This is Exhibit F. You can see where the Savannah
16 River area is also encompassing Columbia and Lincoln.

17 Q So looking at this now, Lincoln and Columbia Counties are
18 part of the Central Savannah River area, that you excluded
19 them from your regional analysis because they were not
20 majority Black counties?

21 A Yeah. They are clearly not areas where you can draw
22 majority Black districts.

23 Q So you excluded some majority white counties but not all
24 majority white counties from this regional focus.

25 A Columbia and Lincoln Counties are not part of the area

1 that I would have considered as likely to be drawn with a
2 majority Black district. The remainder of this outline, I
3 think, follows the Savannah River Commission lines.

4 Q Thank you. Let's go ahead and move onto some additional
5 information about these districts. So I would move to Figure
6 10 in your plan, that comparison of the number of majority
7 Black Senate districts by plan. Page 26 of your report. It's
8 also on the screen, if you need it.

9 A Yes.

10 Q And what I want to do is just understand a couple of
11 details. First of all, for the 1990's plan, as I'm sure you
12 will recall, there are a lot of 1990 plans with all the
13 litigation. Was there one in particular you looked at for
14 this measurement?

15 A Yes. I looked at the 2000 PL14171 file and relied on the
16 district boundaries that are reported in that file for the
17 Congressional districts.

18 Q So that would be safe -- I'm sorry -- Congressional or
19 State Senate?

20 A I'm sorry, State Senate, and so that's what I used.

21 Q And that, I'm assuming, would be the districts that were
22 enforced at the end of the decade?

23 A At the end of the decade, right.

24 Q And so it wouldn't be the so called max Black plans from
25 earlier in the '90's?

1 A I'm sure it wouldn't have been those. It would have been
2 whatever after Miller v. Johnson, I think.

3 Q And then you listed 2016 Plan. You don't list the 2001
4 Plan. Is there a reason you excluded that one?

5 A I didn't because I think the Supreme Court found that it
6 violated -- there's systematic underpopulation of demographic
7 districts in south Georgia I think. So in the Larius
8 decision, the Supreme Court ruled against the legislature.
9 Democrats controlled the time, and so I did not include that
10 in the analysis.

11 Q And are you aware who drew the plan that was used in the
12 2016 election?

13 A You might have. I know you worked for Representative
14 Westmoreland so you might have been involved in that.

15 Q Not for the State Senate or the State House. For the
16 State Senate are you aware that the Federal Court drew a
17 remedial plan after the District found it unconstitutional?

18 A I was not aware who drew the plan.

19 Q Going to Figure 11, the next page, you have comparison of
20 the different amounts of statewide Black VAP and statewide
21 non-Hispanic white VAP in the various kinds of districts. In
22 the 2006 plan drawn by Federal Court had a 53 to 83 comparison
23 on those numbers; correct?

24 A Correct.

25 Q And that's roughly proportional to what's on the 2021

1 Plan; correct?

2 A Correct.

3 Q Did you run this analysis on your illustrative plan?

4 A I have not.

5 Q All right. So let's go next to Page 34. Start looking at
6 the some of the illustrative districts that we have here.

7 First I want us to look at Senate District 28. Are you with
8 me?

9 A Yes.

10 Q So Senate District 28 as you've drawn it combines portions
11 of Clayton, Fayette and Spalding Counties; correct?

12 A Yes.

13 Q And you say in Paragraph 77 of your declaration that both
14 Fayette and Spalding Counties have significant Black
15 population. Do you recall that?

16 A Yes.

17 Q Are any of those counties majority Black?

18 A No.

19 Q What I want to do then is for convenience sake, let's turn
20 to Page 102 of your report. It shows the breakdown of race by
21 county. What I want to do is look at both Fayette and

22 Spalding Counties. So Fayette you have highlighted here in
23 Region A and I believe this column is the voting age -- Black
24 Voting Age Population for Fayette. It's 25.8 percent; right?

25 A Right.

1 Q And for Spalding County, on the next page or two pages
2 sorry. Spalding County the Black population is 33.6 percent;
3 correct?

4 A Correct.

5 Q And so, Clayton County and other county make up that
6 District 28, is here at 72 percent Black; correct?

7 A Yes. Voting age?

8 Q Voting age population, yes. So I guess my first question
9 is going back to your regional look, I can bring that up for
10 you, if it will be easy enough, Clayton County is not included
11 in your Region A but is included in your Senate District 28.
12 Can you tell me about the decision of why you included Clayton
13 County outside that region?

14 A The majority Black districts in that county are somewhat
15 packed and so some of the population from Clayton was shifted
16 into 28.

17 Q And you would agree with me that if the district had no
18 part of Clayton County in it, it couldn't be majority Black;
19 right?

20 A I'm not sure about that.

21 Q Both Fayette and Spalding Counties are 33 and 25 percent
22 Black. So there would be no way to create a majority Black
23 district using those two counties; right?

24 A Well, you could then extend into Henry County. I can't
25 give you a definitive answer one way or the other.

1 Q But you didn't draw a district that went Fayette, Griffin,
2 Henry to draw a majority Black district; correct?

3 A I don't believe I did.

4 Q Is it fair to say you chose to include Clayton County in
5 District 28 solely to make that district majority Black?

6 A No. I was attempting to unpack a little bit of the
7 population in Clayton County, even though it was outside of
8 the five-county region.

9 Q Are there traditional redistricting principles that
10 connect Clayton County with Griffin and Spalding County?

11 A I think so. They are not that far apart. Granted Clayton
12 is much more urbanized and Griffin is a smaller municipality,
13 but they are, in effect, neighbors, not far apart and that
14 part of Spalding County is changing as is the part of Fayette
15 County, which has previously by your plans been included in
16 the majority Black districts, eastern Fayette County,
17 Fayetteville east. So you have established that there is a
18 community of interest between Clayton and Fayette for sure.

19 Q And when you say me, are you referring --

20 A Well, you, the State, the State defendants.

21 Q I just want to make sure.

22 A Not you presently.

23 Q I didn't know who you were preferring to. That was an
24 honest question.

25 A Oh, yeah. That's right. Because you drew plan. Yes.

1 Q So is there any traditional principle you made between
2 Brooks and South Fayette County and Clayton County?

3 A I think Brooks is still probably majority white and so
4 there are differences but it is a fairly small place. So, if
5 it doesn't exactly match up with Clayton County, it's a
6 smaller percentage than might seem to be the case, if you do
7 use Brooks and doesn't realize it's a very small municipality.

8 Q And you mentioned that you unpacked neighboring districts
9 34 and 44 to draw your Senate 28; correct?

10 A I changed populations there but Clayton County, even in
11 the illustrative plan still is in the 70s. So it's -- hasn't
12 really been fully unpacked. There are limits to what one can
13 do. If the core is, you know, overwhelmingly Black, you are
14 going to be left with a predominantly Black district.

15 I think that in Mr. Morgan's report he identifies
16 that I have drawn something like five districts over
17 75 percent to make it -- I mean playing tricks with intervals
18 there because my plan still, his plan the illustrative plan
19 still has fewer districts that are over 70 percent of the
20 state Senate Plan.

21 Q And so earlier when you referred to Congressional District
22 13 as being packed at 66 percent, your District 34 on the Plan
23 is at 77.8 percent. How is that not packed?

24 A Which district?

25 Q Your District 34. Right here you have --

1 A Okay. In Clayton County?

2 Q Yes.

3 A Well, there could be more work to be done in that regard.
4 This is an illustrative plan. It's another instance where
5 maybe improvements can be made. So, you know, you could say
6 that it is packed. It's a very compact district but because
7 it's very compact, maybe it could be made a little bit less
8 compact. So, might take that one into consideration on the
9 next iteration, if there is that possibility or maybe in 2030.

10 Q And so, again, given more time, you could get a more
11 refined product in this area, too; correct?

12 A Possibly. I'm not all together convinced that Clayton
13 County needs to be changed, but it could be, and I'm sure you
14 probably could reduce the Black percentage in District 34 back
15 down to something a little less.

16 Q Let me move back to Figure 16. And this is the 2021 Plan
17 around Districts 16 and 34; correct?

18 A Which district is this?

19 Q This is Figure 16 on Page 35.

20 A Oh, yes.

21 Q And just looking for some contrast here between the two,
22 you Coweta County whole in the Adoptive Plan; correct?

23 A Right.

24 Q And Fayette County 34 to 44 here primarily located in
25 Clayton County; correct?

1 A You have -- Fayette County is split twice.

2 Q Um-hmm.

3 A And I have Fayette County split twice.

4 Q Right. But then the rest of Fayette was Spalding, Pike
5 and Lamar; correct?

6 A Right.

7 MR. TYSON: So, your Honor, we submitted our various
8 exhibits. I haven't officially moved those in since it's not
9 our case in chief yet. I want to go ahead and refer to one of
10 those. I don't think there's any objection from the
11 Plaintiffs about any of our exhibits on those. I just wanted
12 to make sure.

13 THE COURT: Any objection?

14 MR. HAWLEY: To confirm, those would be exhibits that
15 we have seen previously?

16 MR. TYSON: Correct.

17 MR. HAWLEY: No objection.

18 MS. LARKIN: No objection.

19 THE COURT: They are admitted without objection.

20 MR. TYSON: Thank you, your Honor.

21 BY MR. TYSON:

22 Q I'm going to refer you, Mr. Cooper, to Senate District 13.
23 I'm sorry Exhibit 13, draft Georgia Senate districts and we
24 will have Ms. Wright testify. She will talk about this is the
25 Senate Democratic Caucus Plan that was submitted as part of

1 the Special Session. So I wanted to just go down to Clayton
2 County and look at the configuration of 34 and 44 on the
3 Senate Democratic Proposal. Do you see the configuration of
4 those two districts?

5 A I do.

6 Q And you'd agree with me that that matches pretty closely
7 to the Adopted Plans configuration of that area; doesn't it?

8 A It roughly appears that way, but I haven't looked at the
9 details.

10 Q And the Democratic Plan as drawn here, doesn't connect
11 Clayton County and Fayette County, South Fayette County; I'm,
12 sorry; correct?

13 A Correct.

14 Q And it doesn't connect Clayton County to Spalding County;
15 correct?

16 A Correct.

17 Q So moving down in this to the statistics on these plans, I
18 just want to touch on two pieces. First District 34 on the
19 Democratic Plan shows that we have a Black number on this, we
20 have a non-Hispanic population number of 63 percent. Is that
21 a district you would have considered to be packed?

22 A Well, first of all, using the figure non-Hispanic in that
23 part of Atlanta, it's difficult to really compare that with
24 any part Black, because you are leaving out a lot of Hispanic
25 blacks, I think. I don't know. It depends on the county and

1 the region of the county. So your question is, is it packed?
2 Could be but maybe not. I mean you have to look at the plan
3 holistically. And so in that instance, it seems not
4 unreasonable, given that it also includes heavily Black or at
5 least part of heavily Black Clayton County.

6 Q District 44 shows a non-Hispanic Black number of 67.7 I
7 believe what you are saying is that AP number would actually
8 be higher than 67; is that right?

9 A Yes, most certainly.

10 Q would that be a district you would consider packed on the
11 Democratic Senate Map?

12 A District 44.

13 Q Yes?

14 A And where is that district?

15 Q It is the other piece of Clayton County. This side right
16 here?

17 A Yeah, I mean it could be. It could be. I haven't
18 examined the Democratic Plan. I just looked at it in a very
19 cursory fashion, so I don't know -- you know, I was not
20 involved in drawing that plan to understand or know exactly
21 why certain lines were drawn that way.

22 Q All right. So let's move next to Senate 17 which is going
23 to be on Page 37 of your report. Now this includes -- your
24 District 17 reflects Henry, Rockdale and DeKalb Counties; is
25 that correct?

1 A Yes.

2 Q And DeKalb County is not part of that five-district area
3 that you identified in South Atlanta; correct?

4 A Correct.

5 Q And this district as configured is 62 and half percent AP
6 Black?

7 A Yes.

8 Q And you don't consider this district to be taxed, do you?

9 A No. I mean you have to take into consideration lots of
10 different factors, like the size of the district you are
11 drawing in terms of total population and area that you need to
12 cover. And so, in this instance, I do not think it is packed.

13 Q And the fact that you go, again, into DeKalb County, goes
14 outside your South Metro region. Why did you make the
15 decision to make into the DeKalb and leave those
16 five-counties?

17 A Again, as part of correcting deviation issues with the
18 2015 Plan in part and observing county boundaries so that I
19 didn't have to push District 17 down in Butts County for
20 example, I don't recall the exact rationale, incumbents.
21 Incumbents really did play a big role in what I was doing.
22 Turns outside that some of the incumbent addresses were
23 incorrect, but I really did not want to compare incumbents, if
24 at all possible.

25 Q Would you agree with me that the portion of South DeKalb

1 County that's in your District 17 is a heavily Black area of
2 the county?

3 A I think South Dekalb is fairly heavily Black.

4 Q And do you know if you can draw District 17 as a majority
5 Black State Senate District without that portion of Dekalb
6 County?

7 A I do not know, but it wouldn't -- it doesn't exactly
8 matter. I was focusing on the five counties where there's no
9 or very limited Black representation. But I'm also looking at
10 the entire metro area and the 11-county area. And we know
11 that the population increased by 400,000 -- over 400,000
12 African Americans just over a 10-year span. And so, it
13 just -- it just boggles the mind that it wouldn't be possible
14 to create an additional Black district in metro Atlanta. I
15 don't even see how you can suggest otherwise.

16 Q So you indicate in Paragraph 80 here that Henry County
17 Black Voting Age Population increased by almost 75 percent in
18 the last decade to nearly 60 percent. Do you see that
19 language?

20 A Yes.

21 Q I want to look with you at the Henry number because the
22 number you're reporting for A B Black for Henry County is 49.8
23 percent. Where are you getting your 60 percent number?

24 A I think that's probably the percentage overall population,
25 not voting age.

1 Q So there's a 10-point spread between the voting age
2 population and total age?

3 A That could be a typo. That does seem a little high.
4 Still, the statement holds true even if it's only 50 percent
5 instead of 60 percent.

6 Q So going back to your Senate 17 here in Figure 17, can you
7 identify any connection between the area of South Dekalb
8 around Stonecrest and McDonough?

9 A What's your question?

10 Q Can you identify any community of interest or connection
11 between Stonecrest and South Dekalb and McDonough in Henry
12 County?

13 A They are a very urbanized area, suburban to urban with
14 significant Black population close by. There's not a lot of
15 distance to travel, so there are similarities. They think of
16 themselves as being from Atlanta.

17 Q And both Stonecrest and McDonough are majority Black
18 cities; right?

19 A I don't know. Probably. I will take your word for it.

20 Q And it's your testimony that people in Stonecrest and
21 McDonough consider themselves being from Atlanta?

22 A If you were talking to people elsewhere, probably, yes.
23 But I -- not all of them but many of them say McDonough or
24 wherever. But, yeah, I understood there are differences. I
25 mean further south than Henry County is more suburban. You

1 have families in some places far south of Henry County, so
2 there are differences, sure. As there will be in any Senate
3 District --

4 Q And --

5 A -- or any House District. You can always find people who
6 don't exactly fit into the overall population or more than
7 underclass. You know, so that just happens.

8 Q And so in considering traditional redistricting principles
9 in the draft in District 17, it does have some (inaudible)
10 communities in it but your testimony is there's going be in
11 there because they're close by?

12 A Ultimately that does happen, that's right. I follow
13 traditional redistricting principles using generally whole
14 precincts. I try to follow county lines and try to avoid
15 cross lots of counties lines to create the districts. I
16 failed with the District 18. 17. Is okay.

17 Q Let's look next at Senate District 23. We've talked a lot
18 about this one already. This is Figure 19 on Page 40 of your
19 declaration. And so would it be correct that in creating
20 District 23 as a majority Black district, you have reduced the
21 Black percentages in District 22 and in District 26?

22 A Yes.

23 Q And these are in rural, relatively rural parts of Georgia;
24 correct?

25 A Yes.

1 Q So in looking at Senate District 23, again, I see that it
2 goes several counties beyond your Region B outline. So if I
3 go back to your regional map again, you can see your line ends
4 at Baldwin County, wilkinson, Twiggs. These are counties in
5 Houston that are not part of your Region B, but that are
6 included in Senate District 23 as you drafted it. Can you
7 explain why you chose to include those counties?

8 A Had to do so to meet one person one vote.

9 Q Did you also have to include those counties to make the
10 district majority Black, A P Black?

11 A There were probably other ways to draw this, but certainly
12 those are majority Black counties, wilkinson, I think and
13 Twiggs also are very close to it, so it didn't hurt that they
14 were majority Black.

15 Q Do you know what would happen to the Black percentage if
16 you took the section of Houston County of District 23?

17 A The Black population percentage would probably go down.
18 That's a precinct around military base in Houston County.
19 Your plan fits the same general area between two districts. I
20 could have extended 23 into wilkes County and compensated for
21 the loss of the area in Houston County.

22 Q I get that. I know that can be done. So, again, that's
23 not on this -- any plan you submitted to the Court?

24 A No, no, but I could do another plan, if need be that shows
25 how that could be done.

1 Q So given more time, you could work on another plan that
2 would be more refined?

3 A Insofar as -- if for some reason it's inappropriate to
4 include 56 percent Black precincts as I understand it from
5 memory, I could be wrong and that, in Houston County, around
6 the Air Force Base, if that's inappropriate to put it in
7 District 23, then I could add a portion of Wilkes County in
8 District 23. That, of course, has a ripple effect that would
9 effect another 10 counties in this plan, because you have got
10 to stay within plus or minus 1 percent, so that's why it can't
11 be done instantaneously. But I basically have done that in
12 another alternative plan but I haven't finished. I have got
13 to fix the deviation and that might require an additional an
14 county.

15 Q Can you identify commonalities between Warner Robins the
16 military base there and Augusta?

17 A No. I think there are difficulties in really identifying
18 commonalities around the military base because population is
19 more transient. So, you couldn't do that with other parts of
20 the counties. It's sort of unique. I mean it's a military
21 area and it doesn't necessarily fit well into any particular
22 district, because they are not attached to that particular
23 place, maybe because of their profession.

24 Q But you have to include that military precinct to make
25 your current configuration District 23 majority Black;

1 correct?

2 A Yes. But I'm here now and telling you that we can drop it
3 and just bring in Wilkes County, if you'd like and bring in a
4 future draft, which I will do at some point, if the
5 opportunity arises.

6 Q And just so -- Augusta and Warner Robins are together in
7 District 23 because they had to be together under this
8 configuration to make the district majority Black. You are
9 working on a plan that could do a different configuration but
10 don't have that ready; is that correct?

11 A No, no, no. I'm not saying that Augusta and Warner Robins
12 had to be together. I put them together in this particular
13 draft but alternative configurations are possible and that's
14 probably true of every single plan.

15 THE COURT: Tell me again why you put them together.

16 THE WITNESS: Because they -- I put Twiggs in there
17 and I noticed that the State had also split a line right
18 around the military base. So that's why it went in, and I
19 don't -- I mean it fixed the deviation. I don't know what
20 impact it had on the Black VAP in that particular district.
21 It's a single precinct that has 3 or 4,000 people in it, I
22 think.

23 BY MR. TYSON:

24 Q So sitting here, you don't know if taking out that single
25 precinct would drop the district below 50 percent?

1 A I don't know. It certainly would drop it below the
2 acceptable plus or minus 1 percent deviation. But as I say, I
3 could be offset by extending District 23 into Wilkes County,
4 which is part of the Black Belt and as I think in the 40
5 percentage range of Black Voting Age Population.

6 Q That's not a map you have here today?

7 A I don't have it with me, but I actually drew the district.
8 I drew a District 23 that drops the Warner Robins area, takes
9 Houston County out of it entirely and adds in precincts in
10 Wilkes County.

11 Now once you do that, other districts do change and I
12 changed most of them but, you know, it's premature to start
13 drawing other plans at this point.

14 Q Can you identify commonalities between Milledgeville and
15 Augusta?

16 A Well, Baldwin County is considered part of the Black Belt
17 and it is also designated by the Census Bureau as a
18 micropolitan area because it has a population of around
19 50,000 people, when you add in Hancock County, which is part
20 of the Black Belt, and part of the Baldwin Hancock
21 micropolitan area. So they are economic connections there as
22 identified by the Census Bureau in the Office of Management
23 and Budget.

24 Q Let me turn to Page 20 which is the Adopted 2021 Plan for
25 the same reason. Do you see that?

1 A Yes.

2 Q And District 22 is full within Richmond County on this
3 configuration; right?

4 A District 22 is -- I believe it is but -- yeah, it is
5 wholly within Augusta, Richmond County, yes.

6 Q And District 23 doesn't cross into the micropolitan area
7 of Hancock and Baldwin; correct?

8 A It does not.

9 Q And District 26 includes Macon, Warner Robins, Twiggs,
10 wilkerson, and it comes over to the line here, Hancock,
11 Washington, Johnson; right?

12 A Well, there you go. You put that precinct in a majority
13 Black district.

14 Q And would you agree with me that most of the population in
15 District 26 just based on your knowledge of the counties is on
16 the Macon side of that district?

17 A I don't know for a fact. I think probably most of it is
18 on it the Macon -- on it Macon Bibb County side. I don't know
19 that for a fact.

20 Q Go back to the Senate Democratic Plan for the same region,
21 Exhibit 13. And District 22 is wholly within Richmond County
22 on the Senate Democratic Plan; right?

23 A Yes.

24 Q And District 23 doesn't cross over into Hancock or
25 Washington and certainly doesn't go into Houston; correct?

1 A Senate 23, yeah, it's a different configuration entirely.

2 Q And on the Democratic Plan, is Senate District 23 a
3 majority Black District?

4 A No, it's not.

5 Q And you would agree with me that Senate District 26 on
6 this Democratic Plan looks far more like the enacted plan than
7 it does like your configuration of Senate 26; right?

8 A I think it probably does. I mean I have not examined the
9 Democratic Plan. I'm not doing this on a partisan basis. I
10 have seen the Democratic Plan. I glanced at it but I haven't
11 looked at it in any detail.

12 Q Let me go to Page 43 statistics briefly and then I will
13 work through the House and that should be a little quicker
14 than Senate. So did you run these compactness scores after
15 you finished drawing the plan or were they available to you
16 while you were drawing?

17 A They were available to me while I was drawing them. I'm
18 not obsessive about running compactness scores, so generally I
19 may have looked at them on a few occasions.

20 Q But you would agree with me on the Reock and
21 Polsby-Popper, the 2021 Senate Plan calculates it more compact
22 than your Illustrative Senate Plan as a matter of average;
23 correct?

24 A Slightly more compact. Under Reock.

25 Q And under Polsby-Popper as well?

1 A And under Polsby-Popper as well.

2 Q And then I know we covered county splits here. That the
3 Illustrative Plan splits four more counties on your county
4 split column than the 2021 Plan; correct?

5 A Correct.

6 Q And in your rebuttal report, you worked under incumbents
7 but you would agree with me that your Illustrative Plan as it
8 stand now still appears month incumbents that are running for
9 reelection than the Adoptive Plan; correct?

10 A I think that's true. I'd have to go back and look at
11 rebuttal declaration, but yeah, I had to peruse that plan very
12 quickly. So, again, in another iteration, I might be able to
13 say incumbent somewhere.

14 Q Let me go to your rebuttal declaration. Let's nail this
15 down. So you indicate in Paragraph 5 that the incumbent
16 conflicts maybe a 20 and 38? Do you see that?

17 A That's under the illustrative plan. That's not
18 Illustrative 2.

19 Q That is correct. I apologize for that. Here we go.
20 Paragraph 12 you indicate the number of parings reduced to a
21 single one District 20. Do you see that?

22 A Right.

23 Q And your read Mr. Morgan's declaration is no incumbents
24 running for re-election are paired on the Adoptive Senate
25 Plan; correct?

1 A I actually forgotten that, but I will take your word for
2 it. He had some additional information that was almost like
3 insider information in terms of who was running for office and
4 who wasn't, but he did make that available to us at the last
5 moment.

6 Q And so your new Senate Districts or Senate District 17, 23
7 and 28 would be majority Black; correct?

8 A Yes.

9 Q Are you aware that all the incumbents in those districts
10 are Republicans?

11 A No.

12 Q So let's move next to Illustrative House Plan.

13 So first of all, on the count, I think -- I'm
14 assuming that you used the same method of looking at the -- or
15 time period of zero plans that we talked about for the Senate;
16 is that right?

17 A Right.

18 Q And comparing the 2021 House Plan Figure 24, to the court
19 plan from 2006, you would agree that in terms of your
20 calculation of the Black Voting Age Population majority Black
21 Districts, the 2021 Plan is better than the 2016 plan; right?

22 A Somewhat better. Slightly better. After -- but that's
23 holding a population constant in a sense because since the
24 2000 Census, there has been a massive increase of Black
25 population in the aggregate statewide and specifically in

1 Metro Atlanta. And, yet, we still don't see many additional
2 districts. So I reported the 2010 number and I did not have
3 the data for the 2016 Plan under the 2000 Census. They could
4 be in one of your exhibits, though, because I think the State
5 produced that during that time period. We have got good maps
6 and data from the State for the period of 2006 onward that
7 include exhibits, but I couldn't find them in the 2000, 2010.
8 because the 2006 Plan was 2008.

9 Q Okay.

10 A I don't think. Lots of plans out there.

11 Q Definitely a lot of number and a lot of sheets floating
12 around for sure.

13 A Yeah. Yeah.

14 Q All right. So let me ask you then, you didn't just
15 confirm that information on Figure 24? You have not run that
16 for your own plan; correct?

17 A I have not. The gap would be reduced but I don't know the
18 actual number.

19 Q And in Paragraph 99, you make a reference to a number of
20 BCVAP districts, in districts that are B plus L plus ACVAP.
21 Can you tell me what that acronym that refers to?

22 A My -- thought I had a footnote somewhere in there explains
23 it. Black plus Latino plus Asian CVAP. So it's basically the
24 minority population or at least the minority population that
25 is significant statewide, particularly in Metro Atlanta. As

1 non-Hispanic Black and non-Hispanic Asian, so I'm not double
2 counting.

3 Q So, you are not including any of coalition districts in
4 your declaration?

5 A That is the Section 2 case involving the African American
6 Plans.

7 Q All right. And you agree the 2021 House Plan has two more
8 majority Black Districts than the prior plan did; correct?

9 A Based on the 2020 Census.

10 Q And in your plan, you're advocating for four additional
11 districts, even though your plan draws a total of five more;
12 is that correct?

13 A Yes, for 49 to 54.

14 Q Okay. Let's work our way through these relatively
15 quickly. I think this is a lot of the same issues. We will
16 see here. Get to 111 south metro. So this is Figure 28,
17 District 73 under the Senate. Do you see that?

18 A Yes.

19 Q And this is a district that includes a portion of Clayton
20 County, a portion of Henry County and a portion of Spalding
21 County; correct?

22 A Correct.

23 Q And it connects Clayton County with Griffin; correct?

24 A It does.

25 Q And this district goes outside of your Region A to get

1 population in Clayton County; correct?

2 A It does. It does.

3 Q And you are aware going into Figure 29 of the Adoptive
4 Plan maintains the counties border of Clayton County?

5 A Yes.

6 Q Are you aware of any connection between Clayton County and
7 the Hampton area in Henry County?

8 A There could well be differences in the populations in
9 those two areas of the map, such economic differences perhaps.

10 Q I'm going to turn next to Exhibit 14 which is the House
11 Democratic Plan. And the House Democratic Plan maintains the
12 order of Clayton County like the Adoptive Plan does, doesn't
13 it?

14 A It does but it doesn't create the additional majority
15 Black district.

16 Q It does not create the majority Black district?

17 A That's an existing district; right?

18 Q I'm sorry. I should have clarified what we are looking
19 at. So this is the plan named GHDC House Plan 2021. When Ms.
20 Wright gets here, she will talk about this is the House
21 Democratic Proposal?

22 A Right.

23 Q It was considered in Special Session. And this plan
24 created a few of the majority Black districts in the Adoptive
25 Plan; right?

1 A Apparently so.

2 Q Apparently so.

3 A It may have created more coalitions districts. I didn't
4 analyze that.

5 Q So going to the next district that we were in Henry
6 County, District 110, this district connects McDonough area
7 and -- or actually Locust Grove, I'm sorry, with Griffin; is
8 that correct?

9 A Yes.

10 Q What's standard did you use to connect those two areas of
11 the State?

12 A What was the question?

13 Q What standard or traditional principle of redistricting
14 did you use to decide on the shape of District 110?

15 A Well, these are adjacent counties that are experiencing
16 rapid growth in the Black population, and also changing Henry
17 County, you know much more suburban and exurban over the past
18 couple of decades, and Spalding is trending in that direction.

19 Q And in this configuration, you have Spalding County split
20 among four districts; correct? District 73, District 110,
21 District 129, District 130?

22 A Yes.

23 Q Now, I note that in this area of the State, you have drawn
24 two additional State Senate districts that are majority Black
25 Districts 28 and District 17, but you have also only drawn two

1 additional State House Districts. And I believe you testified
2 earlier that there was a connection to a number of new
3 majority Black State Senate Districts and a number of majority
4 House Districts. Is there a reason why in this part of the
5 state you were only able to create two additional State House
6 Districts that were majority Black?

7 A Well, I don't think I claimed that there was a connection.
8 That would seem very obvious, given the way the southwest
9 Georgia Senate District is isolated that an additional
10 majority Black district could be created down there.

11 Here, the population is more urban, much more densely
12 populated areas. And, so, it might not be possible to
13 generate, you know, the hypothetical theoretical maximum you
14 could get with the -- from the additional Senate Districts.

15 Q I want to ask you next about Footnote 26, which I think
16 maybe gets back to the issue we talked about earlier. You
17 said the Illustrative House Plan includes another majority
18 Black district which could be characterized as District 111 in
19 Henry County or District 112 in the area around Newton County
20 where 2021 House Plan District 114 was drawn. Can you help me
21 understand what you are referring to in this footnote?

22 A The District 112, which is not part -- I mean, I'm getting
23 this stuff that I'm not qualified to talk about but I -- as I
24 understand it, District 112 is not part of this particular
25 lawsuit, even though it is, in effect, a majority Black

1 District.

2 Q So it's correct to say you drew a new majority Black
3 District but you're not discussing it in your report because
4 in your view, it's not part of this lawsuit?

5 A My -- you know -- again, we are getting into stuff that I
6 am not knowledgeable about as to why particular districts are
7 in or out but I do know that -- as far as I understand, 112 is
8 not the focus. It's the other four districts that we
9 discussed. So for that reason, you see that footnote.

10 Q Let's move to District 144 on Figure 32. So, this is the
11 district -- I'm looking again at your regions. This district
12 also crosses into Putnam County, into Baldwin County, crosses
13 outside of Region B. What was your thought process for
14 configuring District 144 as you have here?

15 A Well, you know, in my declarations, I also in addition to
16 looking at micropolitan areas, the Regional Commission Maps
17 which I was cognizant of the maps showing the historically
18 Black Belt in Georgia and what amount to the contrary Black
19 Belt. So I was looking at that information as well. Things
20 like -- and not just the map, but also information about
21 poverty rates in the counties and the percentage of children
22 in school who are Black, based on the information in the GPPI
23 report.

24 Q How did you select this particular shape of the District
25 in Putnam County?

1 A I followed precinct lines to the extent possible and I
2 joined a significant Black community in Eatonton with
3 neighboring counties in Hancock and Warren and Baldwin and
4 Wilkerson.

5 Q I'm sorry.

6 A And Toliver.

7 Q Toliver, yes. Did you use the same methodology to select
8 which precincts you took in Baldwin County?

9 A Baldwin County was rather tricky because the municipal
10 lines just go all over to place and they're non-contiguous
11 precincts. So I did the best I could in Baldwin to bring in
12 the significant Black population, Milledgville with the rest
13 of the Black Belt, but precincts were split in that case. I
14 have a map as an exhibit that shows the odd shape of
15 Milledgville. I think as I have said earlier today, there's
16 some places in Georgia that are even odder shaped than
17 Milledgville. So, there are a lot, .01 as I mentioned that
18 earlier in Gordon County and I think there's something like 30
19 below .03. So, it's annexation and things that create that
20 odd shape in some of the municipalities.

21 Q So if I understand correctly for District 144, you said
22 Black voters in Eatonton, Black voters in Milledgville and you
23 added them with other Black voters from the Black Belt area;
24 correct?

25 A Right.

1 Q And in doing that, your District 144 is 50.5 percent A P
2 Black VAP; correct?

3 A Yes.

4 Q And do you know what that number would be if you used
5 single race Black instead of A P Black?

6 A I don't know. It's a possibility it would drop below
7 50 percent. I do know it's Black CVAP majority.

8 Q Majority Black CVAP?

9 A Yes.

10 Q Okay. Do you know what would happen if you removed the
11 Black population from Eatonton or Milledgville to the Black
12 percentage of the district?

13 A It would drop below 50 percent.

14 Q Let's move to the last of the districts here. Actually
15 before I go there, let me just briefly touch Figure 33. This
16 is the Adopted Plan for this region; correct?

17 A Yes.

18 Q So returning to Exhibit 14, and the Democratic Proposal
19 for the area, switching here just to look at this
20 configuration District 128, McDuffie, Henry, Hancock, Baldwin,
21 Washington. District 128 on this map also runs in McDuffie,
22 Warren, Hancock, Washington, Jefferson; correct?

23 A I can't really see the number there but I'll take your
24 word for it that 128 is composed of -- those are the counties
25 in that district. Part of the Washington, not all of

1 Washington is split.

2 Q Let's go to southwest Georgia last. So we come to
3 District 153 on this configuration. So, on this version of
4 the southwest Georgia Districts you'd agree with me that
5 there's no House District that's wholly within Dougherty
6 County on your illustrative plan; correct?

7 A There is no what?

8 Q No district that is wholly within Dougherty County?

9 A That's correct, there is no district that's wholly within
10 Dougherty County.

11 Q And you identified earlier a transportation link between
12 Albany and Thomasville. Can you identify anything else in
13 common between the population in Thomasville and the
14 population in Albany?

15 A Well, they are neighboring counties in Southwest Georgia.
16 If you refer to the Regional Commission Map, they are in the
17 Southwest Georgia Commission, so there's commonality.

18 Q Do you know what the role of the Regional Commission is in
19 Georgia?

20 A I think it's sort of an advisory role. I don't know if
21 they actually make law. I don't think they do, but it's an
22 attempt to identify areas of the state with common interests
23 and put them into regions for various purposes.

24 Q Let's look through the adoptive version of the House 2021
25 Plan Figure 35. First of all, it's kind of hard to tell but

1 is District 152, District 171, those are -- are those two
2 different districts that share the same color?

3 A Yes. That is correct. They do share the same color.

4 Q So this district doesn't wrap all the way to Lee County?

5 A No.

6 Q But in this configuration, there's one district wholly
7 within Dougherty county; correct?

8 A Yes.

9 Q All right. Let's go to the statistics on this one. And
10 on these, obviously, we have factor scores that were similar
11 overall. Do you agree?

12 A Yes.

13 Q And in terms of county splits, you split four more
14 counties than the Adopted House Plan and one more county that
15 the 2015 plan; correct?

16 A Yes.

17 Q All right. So let's move on to your rebuttal declaration
18 then. I have a couple of more questions about that. We have
19 already addressed one of them on the incumbents appearing in
20 the senate. After your efforts to unpair compare incumbents
21 on your House illustrative plan, you still had six incumbents
22 hearing on your illustrative plan; correct?

23 A Yes. In the three or four effort to rearrange districts
24 to match up with your incumbents database before the deadline
25 on January whatever the date was where we had to get the

1 rebuttal declaration back, it was like 36 hours, pretty fast,
2 so, yeah, I didn't do anything beyond that at this point to
3 fix the incumbent issue.

4 Q So you would agree even with the changes there are more
5 incumbents appearing on the Illustrative House Plan even after
6 those changes than on the Adopted Plan; correct?

7 A Yes.

8 Q Let me go down to Paragraph 23. And you opine that
9 municipalities splits are within the norm for a typical
10 Legislative Plan. What method are you using to determine what
11 the norm is for a Legislative Plan?

12 A I'm using in this case historical splits in Georgia. Some
13 other states may have fewer splits based on their requirements
14 for redistricting or some may have more based on serial
15 annexations, you know, that create odd-shaped districts.

16 Q Are you aware that Georgia has dozen of cities that
17 actually cross county boundaries?

18 A Yes.

19 Q All right. So let's go down to the historical economic
20 and cultural factors. So first of all, can you discuss House
21 District 144? That's the District that had the pieces going
22 into the Eatonton, the piece going to Milledgville.

23 what are the historical economic and cultural factors
24 that unite those areas?

25 A Higher poverty rates, lower percentages of the population

1 that have college degrees. So it's a economically-depressed
2 area to a large degree, compared to the Atlanta area.

3 Q And would you agree with me that not all of Milledgville's
4 micropolitan statistical area is in District 144?

5 A I would agree, yes. I split that.

6 Q You say in Paragraph 33 that Eatonton is a city that is
7 almost 60 percent Black. Do you see that?

8 A Yes.

9 Q And Eatonton --

10 A I'm not looking at it right this moment, but I will get to
11 it.

12 Q Okay. I have it on the screen, if you need it there.

13 A 33.

14 Q Yes.

15 A Yes. I meant paragraph 33.

16 Q Okay. And so you say Eatonton is almost 60 percent Black?

17 A Yes.

18 Q And returning to your chart in your original -- I'll put
19 out the screen, so you don't have to go digging for it in
20 declaration? Eatonton in is Putnam County; correct?

21 A Yes.

22 Q And Putnam County is a whole year report on your
23 declaration is 23.7 percent Black; is that right?

24 A I believe so.

25 Q So you're essentially removing the Black voters from

1 Eatonton that are in Putnam County and putting them into
2 District 144; right?

3 A I am including the Black population in Eatonton in
4 District 144, that's correct.

5 Q Going to Paragraph 34 of your rebuttal, you discuss the
6 Central Savannah River area in relation to Senate District 23.
7 Do you see that?

8 A Yes.

9 Q Is it your testimony that Warner Robins is in the Central
10 Savannah River area?

11 A No, it's not.

12 Q So that was not a reason to put Warner Robins in with
13 those Central Savannah River counties?

14 A Well, the primary reason for including Warner Robins was
15 the bring the deviation up to plus or minus 1 percent. And I
16 also noticed that that particular precinct had been split out
17 of the rest of Houston County in other plans, the enacted
18 plan. Maybe I can't remember but also in the 2015 Plan.

19 Q So then moving on towards the end of your declaration, you
20 start pointing out various socioeconomic factors that are
21 common to District 28. Do you see that?

22 A Yes.

23 Q Did you compare Black labor force participation in any
24 other counties in Metro Atlanta as part of this analysis?

25 A I did not compare and address other counties in this

1 analysis, specifically. That information that is available on
2 the CD, I have created a statewide profile of all 180 -- 159
3 counties and I think it's a couple hundred towns and cities
4 with like a 50- or 60-page set of charts and data from the
5 2015, 19 ACS comparing socioeconomic factors by the race. For
6 African Americans, Latinos and non-Hispanic whites, it's
7 probably a thousand pages or more. I mean each one is 60
8 pages, so it is over a thousand pages of information. But it
9 is possible to look at any city or town, for example,
10 Eatonton, and get that information from that CD in terms of
11 the socioeconomic profile of that particular municipality.
12 It's the most recent data we have available 201620 ACS as I
13 suggested earlier this morning will be available, I think,
14 sometime in late March, which will be, of course, a little bit
15 further along than what we see in 2015 because it's going to
16 take into account the Pandemic which has affected populations
17 in different way, obviously.

18 Q Did you pull these labor forcing participation numbers
19 before or after you drew the Illustrative District 28?

20 A Probably after. I mean, I looked at -- in drafting the
21 Plan, I was focused mainly on a table that you find that was
22 attached to the Georgia Budget Policy Institute's report of
23 the Black Belt. It's included, I think, it's Exhibit D or E
24 and it lists all of the counties in the State showing the
25 population that was enslaved in 1860 by percentage. And then

1 there's also a breakout for the percentage of present-day
2 students in the public schools that are African American and
3 the percentage of those students who are living below poverty.
4 And then in order to qualify as a contemporary Black Belt
5 District, a school district needed to meet two of those three
6 criteria. So, that's what I work with.

7 So I was always aware of the poverty rate in any
8 count or city school district in the State as I was working on
9 the Plan, but I did not pull out of the socioeconomic charts
10 in some instances until later in the process. I produced
11 these charts -- I have been doing these charts. They are sort
12 of a useful thing when I'm redistricting, so I know something
13 about the socioeconomic factors in a particular community that
14 I'm working on. I do a lot of work in local places and find
15 it to be very helpful to get a feel for a place I have never
16 been.

17 Q So let me ask, did you compare labor force participation
18 rates for counties in your Illustrative 17?

19 A Don't have that in my report, I don't think.

20 Q Did you compare Bachelor's degrees in your counties to
21 your District 28?

22 A No.

23 Q Can counties have different labor force participation or
24 Bachelor's degree rates in different parts of the county?

25 A They can. And so that's the issue that there could be

1 multiple communities of interest in a single county.
2 Typically what you will find those is that these 11 poor metro
3 counties, including the south metro counties, will have higher
4 rates of labor force participation for both blacks and whites.
5 If you go further South in the more rural areas, the older
6 population, much of which is retired, would not have higher
7 rates of labor force participation. So there's a difference
8 there in terms of being working age versus retired. Spans and
9 cuts cross races. There's not necessarily a difference
10 between the races in that regard.

11 Q In Paragraph 43 of your rebuttal, you compare the
12 socioeconomic at a poverty line for counties in District 23.
13 Did you look labor force participation or Bachelor's degrees
14 for illustrative Senate District 23?

15 A Not to produce that particular paragraph. I did look at
16 poverty rates in the counties for Senate District 23, but
17 not -- I don't believe I looked at labor force participation.

18 Q So it is fair to say --

19 A It would be fair to say that in general the rates are
20 lower than what you see in the metro area.

21 Q So is it fair to say that for purposes of your rebuttal
22 report, you searched the ACS data for something that had the
23 counties in those districts in common and then reported that
24 in your report?

25 A As a single example, yes, but I think if you just break

1 out these counties and then look at the socioeconomic charts
2 that include like 40 different perhaps more variables poverty,
3 education, income, ability to speak English, you know, it's
4 the whole gamete. It's not the complete ACS, but it hits all
5 the high points that one would take into consideration to
6 examine Senate factors 5 for a Section 2 case. I always
7 report these kinds of data sets in any Section 2 case that I'm
8 involved. Almost always. I didn't do it for the
9 Congressional Plan. I'm not really doing it for this Plan,
10 for these plans either. There are other experts speaking on
11 that matter. But frequently when I'm working in a Section 2
12 case in a local setting, I produce charts and tables that help
13 me draw the Redistricting Plan but also inform the Court about
14 the underlying socioeconomic characteristics of the
15 communities involved.

16 Q And in Paragraph 35 of your rebuttal, do you indicate that
17 this particular part of your rebuttal was about the counties
18 and municipalities that were drawn together in the
19 Illustrative House and Senate Districts; correct?

20 A Right.

21 Q But you reviewed and pulled these numbers only the after
22 the districts were drawn; correct?

23 A Some of these specifics, that's correct.

24 Q And that's for the House and Senate illustrative plan?

25 A Yes. But I was looking also all along aware of the

1 poverty rate which I sometimes think is the most important
2 factor involved.

3 Q So, Mr. Cooper, let me just get a few kind of summation
4 questions here. Your opinions in this case are first that
5 it's possible to draw three additional majority Black State
6 Senate Districts beyond the General Assembly three enacted;
7 correct?

8 A At least three.

9 Q And your opinion is also that it is possible to draw at
10 least four additional majority Black State House districts
11 beyond the General Assembly three enacted; correct?

12 A At least four.

13 Q And you are not opining that this is the maximum number of
14 majority Black Districts that can be drawn?

15 A No, I'm not.

16 Q And you are not opining that the new majority Black
17 Districts you drew will elect the candidate of choice in the
18 northern community?

19 A No. I'm not a political science.

20 MR. TYSON: So I'll speak to my co-counsel, you
21 Honor, and I should be finished.

22 THE COURT: All right.

23 MR. TYSON: Thank you, Mr. Cooper. I know it's been
24 a long time. I appreciate your endurance.

25 I don't have any questions for you.

1 THE WITNESS: Thank you. Could have been worse.

2 THE COURT: Not quite.

3 Redirect.

4 MR. SAVITZKY: Yes, your Honor.

5 REDIRECT EXAMINATION

6 BY MR. SAVITZKY:

7 Q Hi, Mr. Cooper.

8 A Hello.

9 Q Allow me one moment to get my own bearings.

10 So, Mr. Cooper, let's start with your process in
11 drawing the Illustrative Maps here. After the 2021 state maps
12 were sent to the Governor; did you look at the maps to review
13 them?

14 A I did. I had -- at that point there were shape files
15 available, so I downloaded shape files in the Geographic
16 Information System. So I selected at the top of map up on
17 your screen so I did have those maps at that time, the shape
18 files.

19 Q Did you consider whether you might want to make changes to
20 your maps in light of what you saw?

21 A Well, the specific place where I did consider making the
22 change was identifying the Senate District 12 in Southwest
23 Georgia where the initial Majority Black District can be
24 created, given -- House District, given, I believe, because
25 there was Senate District there that you can draw three, and I

1 believe I did draw three. So I did use the Senate Plan for
2 that purpose and I looked at the Senate Plan and had an
3 overlay of that it was available that I, so, even though I
4 started the plan using the 2015 Senate Plan, at the same time,
5 I also had those on the computer. I did have the 2021 Plan.
6 To get back to the 2021 Plan, I would have to change a lot of
7 districts in the illustrative plan to eliminate some of the
8 difference between Illustrative Plan and 2021 Plan, like
9 incumbents. And, perhaps, I think I can preserve a number of
10 the North District Georgia Counties by fitting part of the
11 Illustrative Plan into the 2021 Plan.

12 Q I know I turned that just on Illustrative Plan topic of
13 your process, would it be fair to say that you didn't finalize
14 the Illustrative Plan until after you reviewed the State's
15 Plan?

16 A Well, that would be fair to say, yes.

17 Q Mr. Cooper, I want to talk about some of the compactness.

18 MR. SAVITZKY: Mr. Barco, if you could pull up
19 hopefully this is the right one, Alpha's 1, Page 204. Okay.
20 And actually can we go back two pages, to 202.

21 BY MR. SAVITZKY:

22 Q Mr. Cooper, is this the 2021 Senate Plan Compactness
23 Report that you ran as part of your analysis?

24 A Yes.

25 Q And what is the minimum Polsby-Popper score for the lease

1 compact Senate District in the 2021 Enacted Plan, the State
2 Plan?

3 A .12.

4 Q And just for the sake of completeness, what's the minimum
5 Reock least compact district that the State drew in their
6 report?

7 A .17.

8 Q Okay. Let's look at what I think will be the least
9 compact district. Go down two pages back to 204. Look at
10 District 39 right at the bottom there. What are the Reock and
11 Polsby-Popper scores in that Senate District?

12 A .17 and .12. .17 Reock .12 Polsby-Popper.

13 Q And just for comparison, can we just pull up Alpha's 1,
14 Page 189, .17, .12 And just right there, District 18 that's
15 what we were talking about before. Just highlight that.

16 A I knew we were coming to that.

17 Q All right. What's the Reock and Polsby-Popper Compactness
18 scores for that district that we were talking about?

19 A The Reock Score is .24 and the Polsby-Popper score is .11.

20 Q So how would you compare those in terms of compactness?

21 A Just looking at these two numbers, without looking at the
22 districts, it appears that District 18 is significantly more
23 compact based on Reock and only slightly less, in fact, for
24 all intent and purposes as impacted under Polsby-Popper.

25 Q Mr. Cooper, let me go on to -- I want to make sure this

1 in the right order. Let's talk about traditional
2 redistricting principles generally. When you drew your
3 illustrative plans, did you consider traditional redistricting
4 principles with respect to both Black Majority districts and
5 white Majority districts?

6 A That was my intention. We always have room for
7 improvement.

8 Q And the plans that you drew, would you say they were
9 within the norm, within the range looking at all the factors
10 as a whole?

11 A Yes. Looking the median averages and lowest scores, they
12 are in the range. They are some doozies out there that have
13 been drawn in the 2020 era. There's a Congressional District
14 down in Texas that scores .04 on the Polsby-Popper
15 Congressional District 15 adopted by the Texas Senate and
16 House.

17 Q And zooming out from compactness, sort of all of the
18 Judicial Districts and principles as a whole, would you say
19 that the districts in your plan comply with the different
20 traditional redistricting principles when you balance them
21 together?

22 A I have attempted to balance them together and I think
23 overall, the Plan does comply with traditional redistricting
24 principles, but I'm certainly willing to accept criticism and
25 would make adjustments upon receiving that criticism.

1 Q And, Mr. Cooper, you have mentioned previously in and
2 during your cross-examination different fixes and tweaks you
3 may want to make. If you were to implement some of those, how
4 long do you think it would take?

5 A Maybe a day. I mean it would take a little while to deal
6 with some of the ripple effects due to the very stringent
7 deviations. I think I described a little bit about the
8 changes that could be made to drop Houston County out of
9 illustrative Senate District 28 and exchange that for a part
10 of Wilkes County that is closer to Augusta and part of the
11 Savannah River area. Those kind of changes, just that one
12 little change alone, when I was scanning it out, required me
13 to change 10 different Senate districts to get things back
14 into alignment with plus or minus 1 percent. I may be
15 exaggerating a little bit. Maybe six or seven.

16 THE COURT: You understand that part of the State's
17 argument is that this is going too fast or not fast enough,
18 and at anything like what you are now recommending slows down
19 the process they say is already full speed ahead.

20 So what you are saying to me is, well, give me time
21 to go back and make it better. Mr. Tyson is saying, Judge,
22 that's my point. They said we don't have time to make it
23 better.

24 THE WITNESS: Well, I understand and the illustrative
25 plan as I have drawn is totally acceptable. I mean it was

1 drawn by --

2 THE COURT: That's what I wants to hear. You are
3 saying this is it, Judge. What you have here is what we are
4 presenting. We are not saying give me more time to present
5 something else; right? Wrong?

6 THE WITNESS: Well, I can't speak for the lawyers,
7 but I would be willing to work on it further if that would
8 move things along, but the Plan I have prepared is okay in
9 general and even Senate District 18, although it's elongated,
10 scores better than compactness scores of one of the Adopted
11 Districts and it's not difficult to understand, because at
12 least it's built on almost entirely whole counties or a whole
13 precinct. In fact, I don't think it splits a precinct
14 anywhere.

15 Q So -- and just to be clear about this, is it your
16 testimony that there's no time to make any changes and that
17 the illustrative plan that you have drafted will be valid,
18 alternative plans applying all of the traditional
19 redistricting principles?

20 A Oh, absolutely, yes. I was only implying that one can
21 always improve on a plan, just about always.

22 THE COURT: I agree with that.

23 BY MR. SAVITZKY:

24 Q Mr. Cooper, one other question, is listening to public
25 comments from Legislative Hearings that went into -- that

1 happened before the State's Enacted Plan, is that one of the
2 traditional districting principles?

3 A No. There is nothing wrong with doing that but it's not a
4 traditional redistricting principle and -- so if you have the
5 opportunity, it's worth reviewing, perhaps. I did not review
6 that information in the Alabama Congressional case, so that's
7 an example of --

8 Q Mr. Cooper.

9 A -- it wasn't necessary.

10 Q Excuse me.

11 A Go ahead.

12 Q You discussed with Mr. Tyson some of the Democratic Plans.
13 Did you review those to any extent?

14 A No. It was not the Adopted Plan. And as Mr. Tyson
15 pointed out created fewer majority Black Districts than the
16 illustrative plan, so, I did not use that as a guideline.

17 Q But are political party's proposed plans relevant to the
18 analysis that you're performing here?

19 A No. This is the nonpartisan, so that's another reason I
20 didn't look the Democratic Plan other than just being aware it
21 was there.

22 Q And, Mr. Cooper, let's just briefly make sure I have this
23 in order. Let's talk about the Regional Commissions that you
24 talked about.

25 First of all, I -- let me back up and let me pull

1 Exhibit E, which is, I think, Page 90 of Alpha 1, if we can
2 pull that up again. That's 190. So these regions, the blue
3 regions, the red, did you consider those hard and fast
4 boundaries when you were thinking about where you might draw
5 redistricting?

6 A No. Those were areas where I intended to focus my
7 attention, but I did not consider them to be hard and fast
8 boundaries and assume they would not be.

9 Q would it make sense for them to be hard and fast
10 boundaries?

11 A No. They're not county wise or municipal wise. They
12 suggest that there's a region there recognized by the State
13 and by elect officials in those areas.

14 Q And just on the red area that we see here, I believe
15 identified as greater Savannah River Valley region. Is
16 that -- is it fair to say that when you highlighted those
17 counties, you identified a subset of the counties within that
18 region that was identified by the State or the Commission?

19 A That's fair to say, yes.

20 Q Is it fair to say that all the counties within that region
21 you are looking to share common participation in the
22 Commission?

23 A I'm sorry?

24 Q They share a common participation? That they all part in
25 the Commission?

1 A I believe so. I think there's -- someone from each county
2 would be part of the Commission.

3 Q Okay. Let me talk about socioeconomic information for one
4 moment. You talked about in cross-examination of Mr. Tyson
5 labor force participation, Bachelor's degree or higher
6 education, poverty rates. Are those statistics potentially
7 indicative of socioeconomic commonalities in communities?

8 A Well, yes. That's the point I was trying to make is labor
9 force participation, that the counties like Fayette and Henry
10 have a younger workforce and more people are in the workforce.
11 The counties like Lamar and Pike are more rural and the
12 workforce is less of a percentage of the voting age
13 population.

14 Q And those three metrics that we talked about, do you view
15 those as particularly salient or not particularly salient when
16 it comes to identifying socioeconomic commonalities?

17 A Poverty rates and labor force participation rates are you
18 saying.

19 Q Yes. Does poverty rates, labor force participation and
20 Bachelor's degree or higher education?

21 A They're important. When I'm examining a place, I look at
22 like, I don't know, 15 or 20 key variables. Among them median
23 household income, capital income, percentage of population
24 over 25 has not graduated from high school. And then -- I
25 have that in short format, so it's easier to digest. I

1 download it and it automatically prints out all these charts
2 and so it makes it very helpful -- it's very helpful for me to
3 look at those kinds of data sets and charts to get a feel for
4 a particular town or county or state. And so, I use them
5 routinely and they tell me a lot.

6 It's perhaps more useful for smaller areas where you
7 are just working in a single county instead of trying to look
8 at 159 different counties, but the CP is identified in this
9 case as an exhibit, has every county and every city or town
10 Census-designated place in the state that has more than 2500
11 people it, and at least 10 percent Black or 10 percent Latino.
12 it will show up on that CD. I did not include places that
13 were under 10 percent minority in the CD.

14 Q Mr. Cooper, when you discussed commonalities along those
15 socioeconomic metrics, among some of the counties in each of
16 the illustrative majority Black Districts that we talked about
17 in your rebuttal report, did you mean for those to be examples
18 or total amount of possible socioeconomic commonalities?

19 A Guans excel. Nothing more than an example.

20 Q Mr. Cooper, let's just briefly talk about some of the
21 districts that you drew and you discussed with Mr. Tyson. And
22 if we could pull up Plaintiff's Alpha's Plaintiff 1, Page 176.

23 THE COURT: Let me say this. I plan on stopping at
24 5:30. May not finish this witness but at 5:30 we will stop
25 and start back in the morning.

1 MR. SAVITZKY: I think I can be finished fairly
2 quickly, your Honor.

3 THE COURT: Do what you got to do. You only get one
4 shot at this. I'm here. I just want to give you all
5 directions. I'm mainly letting Mr. Tyson know he may not get
6 to do his Recross until tomorrow.

7 MR. SAVITZKY: Your Honor, or -- excuse me one
8 moment, please.

9 BY MR. SAVITZKY:

10 Q Just very briefly on Senate District 28, that we are
11 looking at here, when you considered -- you discussed
12 socioeconomic similarities, labor force participation, of
13 Fayette, Spalding, Clayton County, did you also consider --
14 you don't need to zoom -- did you also consider labor force
15 participation in Pike and Lamar counties as part of your
16 analysis?

17 A Well, yes. That comparison is actually on my declaration.
18 Those are the counties that I suggested had lower labor force
19 participation rates due to higher more retirees and older
20 population.

21 Q And, Mr. Cooper, is this District 28, strong point in
22 traditional redistricting principles?

23 A Oh, definitely yes. It's recently compact. It does not
24 dilute the minority vote. It's following county lines,
25 generally speaking. Precincts, there's absolutely no way that

1 anyone can argue that the District 28 does not comply with
2 traditional redistricting principles, that I can say.

3 Q Actually let me back up. Would you say that all of the
4 illustrative Districts that we looked, at all seven of them,
5 are drawn according to traditional redistricting principles?

6 A Yes.

7 MR. SAVITZKY: Your Honor, I think there maybe time
8 for Mr. Tyson's Cross now.

9 THE COURT: Please do what you feel you need to do.
10 I do not mean to rush to you present your case.

11 Mr. Tyson, he's a veteran. He knows how to you come
12 back tomorrow, if he needs to come back.

13 MR. SAVITZKY: That's all your Honor. I think I have
14 what I want to ask him.

15 THE COURT: Mr. Tyson, you have any recross.

16 MR. TYSON: Thank you, your Honor.

17 **RECROSS-EXAMINATION**

18 BY MR. TYSON:

19 Q Mr. Cooper, just a few more questions. I wanted to make
20 sure I understood your exchange with Judge Jones about the
21 Senate 18 and what it can be improved on.

22 I thought I heard you say earlier that you didn't
23 think that Senate District 18 complied with all traditional
24 redistricting principles. I did mishear you on that?

25 A Maybe. What my point was that Senate District 18 could be

1 improved upon. It's not as compact. It's a little elongated.
2 However, it still scores higher than one of your Senate
3 Districts, which is very interesting. So you should keep that
4 in mind.

5 Q Do you know where Senate District 39 is located?

6 A No.

7 Q would it surprise you if it was all in a single county?

8 A It might. That doesn't mean it can't be non compact.
9 where is it?

10 Q Fulton County, Georgia. Are you aware if it's a
11 majority --

12 A It may be a Majority Black District, that's true. There
13 are probably ways to draw that district in a more compact
14 fashion.

15 Q But you haven't studied those ways; correct?

16 A Well, I have drawn a Senate District in the same general
17 area. It's not Senate District 39 that you have drawn.
18 Correct?

19 Q As far as I know.

20 A Okay.

21 Q That leads to my next question. You've see Mr. Morgan's
22 analysis that is there's only one district in all your House
23 and Senate Plans that is the same as that drawn by the General
24 Assembly; correct?

25 A Right. This is an Illustrative Plan. It was based on the

1 2015 Benchmark House Plan, the 2014 Benchmark Senate Plan and
2 so a legislature could have started with 2015, 2014 Benchmark
3 Plans and arrived at a final conclusion that would be like the
4 illustrative plan, with perhaps some adjustments to take into
5 account incumbents.

6 Q But your Plan, your illustrative plans, don't include any
7 of the input or policy choices the legislature made with the
8 exception of the Single House District; right?

9 A No, I do not have a direct line to the leaders of the
10 State legislature.

11 Q You were asked about identifying commonalities in area
12 using the ACS socioeconomic data. Do you recall those
13 questions?

14 A Yes.

15 Q And, again, you looked at that ACS socioeconomic data
16 specifically on Bachelor's degree and labor force
17 participation only after you drew the districts; correct?

18 A That particular metric was after I drew the districts, but
19 I was aware of socioeconomic conditions on a county-by-county
20 basis and even some of the towns by relying on the appendix to
21 the GPPI report that breaks out that for every school district
22 in the state which is every county basically, plus the cities
23 and towns.

24 MR. TYSON: Thank you, your Honor. That's all I
25 have.

1 THE COURT: All right. Wee are going to stop right
2 here for the day. We will start back tomorrow morning at
3 9:00.

4 Mr. Cooper, get your directions from Plaintiff's
5 Counsel about whether they need you back tomorrow or whatever.
6 As far as I am concerned, he can be excused, but I'm not going
7 to make that call. That's you all's call.

8 MR. SAVITZKY: Thank you.

9 THE COURT: Thank you. Have a good evening. I'll
10 See you in the morning at 9:00.

11 (Whereupon, the proceedings were concluded 5:18 p.m.)
12
13
14

15 I do hereby certify that the foregoing pages are a true and
16 correct transcript of the proceedings taken down by me in the
17 case aforesaid.

18 This, the 8th day of February, 2022.
19
20

21 /s/Melissa A. Brock
22 MELISSA BROCK, CCR, RMR, RPR
23 OFFICIAL COURT REPORTER
24
25